

BEFORE THE OHIO POWER SITING BOARD

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In the Matter of the Ohio :
Power Siting Board's :
Review of Ohio :
Administrative 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 Michael Williams, Administrative Law Judge,
via Webex Teleconference, called at 9:30 a.m. on
Friday, October 8, 2021.

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

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Friday Morning Session,
October 8, 2021.

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ALJ WILLIAMS: We're on the record.
Good morning. Welcome, everyone. My name is Michael Williams. I'm an Administrative Law Judge in the Legal Department of the Ohio Power Siting Board which I'll reference as the Board throughout the proceeding today.

I've been assigned by the Board to conduct a workshop in 21-902-GE-BRO which involves the review of the Ohio Administrative Code rules and Chapter 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, in order to safely accommodate the public, today's workshop is being held through Webex which enables interested persons to witness the workshop being offered and comment on the proposed rule adoption by telephone or video on the Internet. I also note that the event is being aired via YouTube and will be available for future viewing through the Board's

1 website.

2 Before we get started with the workshop,
3 I would like to address the 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 assistance.

11 Finally, if you really wish to listen to
12 the workshop using your phone instead of accessing
13 via Webex on the Internet, you can listen to the
14 workshop by dialing 1-408-418-9388 and entering
15 Meeting No. 1795482372 when prompted.

16 More information on the Webex technical
17 help options can be obtained through the Chat feature
18 which will be available throughout this workshop.
19 You may click on the Chat button at any time to
20 obtain technical assistance or to ask procedural
21 questions. The Chat feature should not be used for
22 any other purpose such as to offer comments about the
23 proposed rules that are the subject of today's
24 workshop. Please be aware that Chats are recorded
25 and should not be considered private. Chats are also

1 not part of the official record of this case.

2 During today's workshop, individuals who
3 have registered to provide comments should speak when
4 I read their names for the registration list which
5 I'll do throughout the hearing and in the
6 introduction.

7 Individuals who are commenting by video
8 will be unmuted by a Board staff member when it is
9 their time for their comments. If you are providing
10 comments by telephone, a Board staff member will call
11 you at your phone number when it is your turn to
12 comment. Please bear with us as we work to queue up
13 those that are commenting individually.

14 We ask that you keep your comments to a
15 reasonable length of time and avoid repetitive
16 comments. To avoid unnecessary background noise, we
17 will keep your microphone on mute unless you are
18 commenting. Again, if you have questions about this
19 process, as the workshop proceeds, please use the
20 Chat function. Micah Schmidt, who is our own event
21 host, will be overseeing the event on Webex. We have
22 additional staff who are helping to facilitate our
23 workshop by monitoring the Chat function.

24 Now that we've addressed the preliminary
25 issues, we'll officially get started with a more

1 common introduction to this proceeding, and I note
2 that there's no comments on the Chat, so with that,
3 I'll call this matter formally to order.

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

10 My name is Michael Williams, and I'm the
11 Administrative Law Judge assigned by the Board to
12 preside over today's workshop. Today's workshop is a
13 further step in the rule making process regarding
14 whether modifications should occur to the rules at
15 issue.

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

1 In connection with those meetings, the
2 Board pledged it would conduct multiple workshops as
3 it begins the formal rule evaluation process, and
4 today's workshop is a follow-up to that pledge. We
5 had two additional workshops on Monday, Monday
6 morning in person and Monday afternoon virtually, and
7 today would be the third and final workshop that's
8 attended in this case.

9 Now, as described in the September 3rd,
10 2021 entry that scheduled today's workshop, the Board
11 is interested in comments as to all of the rules
12 described in the case, but there is an emphasis on
13 issues that involve the process for considering
14 certificate applications for electric generation
15 facilities, electric transmission facilities and gas
16 pipelines, including the potential for implementing a
17 new rule that would be specific to electric
18 generation facilities associated with solar panels.

19 I also note that the Scheduling Entry on
20 Pages 3 and 4 identify 13 topics to assist
21 stakeholders in preparing comments. That list is
22 certainly not intended to be exhaustive and the Board
23 welcomes all comments as to the issues being
24 considered.

25 Now, following today's workshop, the

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

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

19 The workshop is being transcribed by a
20 court reporter from Armstrong and Okey. If you plan
21 to testify, please speak clearly so that the court
22 reporter can accurately reflect your comments on the
23 record. Also, if you have a prepared written
24 statement, it would be helpful to provide a copy of
25 that to the court reporter as well which you can do

1 by e-mailing it to the Ohio Power Siting Board at
2 contactopsb@puco.ohio.gov.

3 Now, normally in the context of an
4 in-person workshop, I would simply open up the floor
5 for comments, ask that you come forward, give your
6 name and address and begin speaking, but for this
7 virtual session, we will call those commenters based
8 largely on the order of their registration, but there
9 have been a couple of tweaks that have been made at
10 the request of commenters to accommodate scheduling
11 conflicts or otherwise.

12 I will read through the entire 15 person
13 list of those who have registered to comment, and I
14 would note that commenter 3, Hector Garcia-Santana,
15 previously commented on Monday morning, so we will
16 skip over Mr. Garcia-Santana.

17 So our list of speakers today or
18 commenters are Terry Fife, Tim Scarbrough, Steve
19 Crum, Chris Tavenor, Chip Kepford, W. Susan Dempsey,
20 Hope Taft, Kenny McDonald, Alex Fischer, Jennifer
21 Adams, Mike Settineri, Julia Johnson, Ali Cooper and
22 Gene Bryant.

23 So with that, we'll begin with our first
24 commenter. Micah, would you please promote Terry
25 Fife.

1 MR. SCHMIDT: You've been promoted, if
2 you could enable your audio and video.

3 MS. FIFE: Good morning.

4 ALJ WILLIAMS: Good morning, Miss Fife,
5 how are you?

6 MS. FIFE: I'm fine, thank you. My name
7 is Terry Fife, and I reside in Xenia Township which
8 is in Greene County, Ohio.

9 ALJ WILLIAMS: Miss Fife, I don't mean to
10 cut you off there, but I can't see you. It's fine,
11 you can certainly provide comments without that, but
12 if you wanted your camera on, I just wanted you to be
13 aware we're not getting your image.

14 MS. FIFE: Right, no, that's fine. No, I
15 prefer to --

16 ALJ WILLIAMS: Okay, okay.

17 MS. FIFE: -- just do audio. Thank you.

18 ALJ WILLIAMS: You're welcome.

19 MS. FIFE: First of all, thank you for
20 the opportunity to comment at today's rule review
21 workshop. I am a citizen who has been actively
22 engaged in learning about the ways, means and methods
23 by which large scale renewable energy products are
24 developed and approved in our state.

25 Seven generations of my family have lived

1 and labored in Miami, Cedarville and Xenia Townships,
2 all within a few miles of one another. I currently
3 live in a house built in the 1800s that served as a
4 one room township school. The structure was both a
5 landmark and a community anchor for our country
6 neighborhood.

7 While I am a member of Citizens for
8 Greene Acres, the comments I make today are my own.
9 Besides attending the in-person rule review workshop
10 hosted by OPSB on March the 12th of 2020 and a number
11 of other meetings and hearings in various counties, I
12 have traveled to multiple sites in Ohio from Hardin
13 to Hillcrest where utility-scale solar projects are
14 in various stages of development and construction.

15 I am not being paid to be here today, and
16 I have not discussed or consulted with a lawyer, a
17 public relations firm, any trade organizations or any
18 businesses regarding my remarks. I listened
19 carefully to the 13 individuals who commented at both
20 of Monday's sessions, lawyers for energy
21 corporations, industry spokespeople, developers,
22 lobbyists and even leaseholders, all of whom stand to
23 gain from projects the OPSB approves.

24 Each of these individuals has a dog in
25 the fight, as the saying goes. The words robust and

1 rigorous were invoked numerous times when those who
2 spoke referred to the existing rules and
3 requirements. Today I would like to shine a little
4 light on a few points that should be more robust and
5 more rigorous in order to make the OPSB process more
6 fair and more balanced, especially for the many
7 ordinary citizens who are not marching on the long
8 and expensive road to certification.

9 I appreciate that project developers feel
10 the existing process and rules are rigorous, even
11 onerous given the very specific and highly technical
12 materials that OPSB requires as part of the
13 application process, but as an informed layperson and
14 with all due respect to the Board, some of the
15 current rules and key steps in the application
16 process are inherently lopsided. They are also
17 unbalanced and unfair when one considers the
18 interests of millions of ordinary Ohioans who live
19 and work in the state's rural townships and
20 communities.

21 A viewshed analysis is one of the many
22 technical reports developers of utility-scale solar
23 facilities are required to submit, but the term
24 viewshed is only vaguely defined in the current rules
25 and regulations. And the vagueness begs some

important questions. What views and whose views matter? How do we measure and consider views in a rural setting?

Viewshed analyses are currently prepared by a consultant the developer hires. The consultants take photographs of parcels proposed for the site, as well as general landscape shots often taken with a cellphone. Many of these pictures are taken from select spots on specific roads in a project area.

Depictions of solar panels are sometimes superimposed on the photographs in order to demonstrate what the viewshed will look like once the facility is constructed, but the perspective provided by these photos is too narrow. The viewshed analyses submitted to OPSB do not feature photos taken from neighboring properties that are proximate or near the project, nor do they include images taken from the windows, porches, decks, yards and barns of nonparticipating landowners who live in the project area.

Where is the balance, the fairness in determining what will be seen and by whom? How is this methodology determined? What state agencies review and evaluate the viewshed reports? If the State does not have a landscape architect or other

1 qualified professional to evaluate the developer's
2 viewshed report, then OPSB should engage an
3 independent expert, one without an interest in the
4 outcome to evaluate and even push the Board to
5 rethink and redefine the concept of viewshed.

6 In the rolling landscapes that make up my
7 country neighborhood, our view sheds are measured in
8 miles, not in feet or yards. In a few cases, local
9 citizens, of course, have taken the rare step of
10 engaging their own lawyer in order to intervene in
11 matters pending before the OPSB, but only those
12 residents living absolutely adjacent to leased
13 parcels are considered as witnesses who can offer
14 viewshed testimony.

15 When the federal government built the
16 highway, interstate highway system in the 1950s and
17 '60s, viewsheds mattered little to the road
18 engineers. After all, most Americans who embraced a
19 car driving culture benefited, but highways
20 permanently altered our landscapes. And we
21 understand now that the benefits of roadways came at
22 the expense of people and communities connected to
23 those landscapes.

24 Now, from the macro, let's move to the
25 micro concept of viewshed. Under paragraph 5 in your

Journal Entry, letter R, lumps together planned management obnoxious weeds, along with irrigation, drainage and storm water runoffs. Each of these subjects is worthy of discussion, but allow me to move straight to weeds which are surely part of the viewshed but also a critical element in the ecology of any rural area.

I have seen scores of promotional pictures featuring pollinated friendly and flowering native plants as envisioned and touted by the developers, but at the solar sites I have visited in Ohio and elsewhere, there is a real disconnect.

Here in Ohio, weeds have taken over a huge spot of land that is the current Hillcrest site in Brown County. Weeds are everywhere, massive weeds, and certainly some invasive ones can be found along the roads and along both sides of the chain linked and barbed wire fences surrounding the facility. Weeds are also ubiquitous inside the almost 2,000 fenced acres now covered with panels and pylons.

Horticultural experts are quick to make a distinction between pollinator friendly and native plants. Such species are not one and the same. And changing weather patterns have introduced new

1 invasive plants and are prompting naturalists to
2 reconsider what's native and what will be native and
3 invasive in the years to come.

4 Who is going to determine best practices
5 regarding weeds and vegetation over a 40-year period?
6 Who will monitor and enforce these best practices?
7 And what happens to the viewshed when Mother Nature
8 acts up? This query could become a key component of
9 a more rigorous viewshed analysis or it could be
10 placed under health and safety concerns in another
11 section of the code. Either way, it's a significant
12 question and is worthy of consideration right from
13 the start of the OPSB process.

14 In the past, developers have selected
15 sites based on available electrical transmission
16 capacity and the willingness of landowners to lease
17 their land. Early in the process of site selection,
18 the developer and the OPSB should examine a proposed
19 site's weather history.

20 Many counties in Ohio, mine among them,
21 have a documented history of extreme and dangerous
22 weather. If you have ever lived through a tornado or
23 other catastrophic weather event, you will appreciate
24 that such forces of nature are not trivial matters.

25 If an F5 tornado, similar to the one that

1 struck Xenia in 1974, were to traverse hundreds or
2 thousands of acres covered with solar panels, how
3 would a utility-scale solar site fare? Who would be
4 responsible for the clean-up especially when flying
5 solar debris lands outside the project area. In my
6 neck of the woods, folks are still, still dealing
7 with insurance companies and damages incurred in the
8 2019 Memorial Day tornado.

9 In summarizing, the viewshed analyses
10 need to be far more rigorous and more expansive
11 reflecting the rural settings in which these projects
12 are located and the residents who live there. We
13 must also acknowledge that Ohio does not have a track
14 record we can rely upon to guide us in this next
15 round of rules and project approvals.

16 Ohio, along with all the other states in
17 the middle of America, has little operational
18 experience with large scale solar and no historical
19 perspective from which we can evaluate massive
20 renewable energy projects as they are currently being
21 proposed and built.

22 There is scant evidence, data and
23 research especially of a longitudinal nature that can
24 confidently steer us in such uncharted waters. As
25 you review and reconsider your rules, please consider

1 the many unknowns and all those unanswered or
2 insufficiently answered questions.

3 I am a professional researcher trained to
4 recognize that the absence of evidence is sometimes
5 more important than the presence of evidence. In the
6 face of so many unknowns, I hope the Board will
7 rigorously interrogate the sources and supporting
8 evidence presented to it. Thank you.

9 ALJ WILLIAMS: Miss Fife, thank you so
10 much for your presentation and comments. If I could
11 just try to clarify. I understand, and you very
12 succinctly and passionately described, that the
13 reality is that a lot of these decisions are at a
14 very local and personal level.

15 As I'm considering your account, it would
16 seem as though there's some benefit to interaction in
17 a case prior to the Staff report or in tandem with
18 the Staff report where those who maybe are either not
19 proximate or are proximate but have particularly
20 impacted properties such as you described, decks,
21 certain windows, porches and the like, would benefit
22 by receiving that personal information so it can be
23 considered as part of the Staff's consideration of
24 the local effects of the proposed project.

25 So I am taking that into consideration

1 and certainly the Staff is as well and would invite
2 any guidance either now or as part of the formal
3 comment process as to how that would look, whether
4 that would be the individual providing those
5 pictures, superimposing, providing just a picture as
6 to the area that is uniquely affected so that the
7 decision makers can be aware of that in realtime and
8 aware of that prior to the local public hearing or
9 prior to the actual opening of the record.

10 So anything you would want to add to that
11 consideration or my response to your comments?

12 MS. FIFE: You know, I really like your
13 idea, and I thought about it myself and do enjoy
14 taking photographs especially as the seasons change,
15 you know, which is a big part of the rhythm of
16 everyday life for everyone who lives in the country.

17 I think the idea of asking the larger
18 community of residents who live in not just the
19 project area but the zone, what I call the larger
20 zone, to submit photographs is an excellent idea.
21 And perhaps we can come up with some criteria or
22 standards whereby you document, you know, how you
23 took your photographs, exactly where you took them
24 from, the coordinates and so forth, the time of year,
25 the time of day, the kind and size of camera used.

1 I think that's a wonderful idea and would
2 go a long way towards involving the community early
3 on, really early on. It would be another way to
4 encourage developer/resident communication early in
5 the process long before, you know, tempers flare and
6 animosities arise. I think that's an entirely
7 constructive and doable suggestion. I feel a lot of
8 my neighbors would be happy to contribute to that
9 body of visual evidence.

10 ALJ WILLIAMS: Miss Fife, I just built
11 upon your idea, so thank you for putting it out
12 there. It's certainly out there for the Staff and
13 Board's consideration, and I do appreciate your
14 comments here this morning.

15 MS. FIFE: Thank you.

16 ALJ WILLIAMS: Thank you. Have a good
17 day.

18 MS. FIFE: You too.

19 ALJ WILLIAMS: Our next presenter is Tim
20 Scarbrough.

21 MR. SCHMIDT: Mr. Scarbrough is currently
22 not connected to the Webex event, so we can proceed
23 to the next commenter, and if Mr. Scarbrough joins
24 later, I will let you know.

25 ALJ WILLIAMS: Thank you, Micah. As I

1 move forward past Hector Garcia-Santana, so our next
2 commenter is Steve Crum.

3 MR. SCHMIDT: Mr. Crum, you've been
4 promoted, if you can enable your audio and video.

5 ALJ WILLIAMS: Mr. Crum, good morning,
6 sir. I can see you, but I can't hear you. I don't
7 show that you're on mute. You're starting to come
8 through now.

9 MR. CRUM: Can you hear me now?

10 ALJ WILLIAMS: Yes, sir. Perfect.

11 MR. CRUM: Your Honor, thank you for
12 allowing me to provide comment this morning on the
13 five year rule review. My name is Steve Crum, and
14 I'm an International representative of the
15 International Brotherhood of Electrical Workers.

16 The IBEW proudly represents nearly 21,000
17 members in many industries in Ohio, including over
18 16,000 structures. We have 20 local unions with
19 training centers that successfully prepare our
20 construction members for a dignified career in the
21 electrical construction industry.

22 More often than not, when renewable
23 energy projects are discussed, the construction jobs
24 are discounted because they are not permanent jobs.
25 I just want to say at the outset here that our

1 members make 40-year careers working themselves out
2 of the job that they are on only to head to the next
3 one. These construction jobs not only provide family
4 sustaining paying benefits, but they are meaningful
5 careers that allow our members to live comfortably
6 and give back to the communities that they call home.

7 Our interest in this rule making process
8 relates to the development and the construction of
9 solar projects. Many of these projects have been
10 proposed in areas where our members live. They are
11 excited to have new job opportunities closer to home.

12 Through pilot agreements, these projects
13 are investing in local fire and rescue, schools where
14 our children attend and local infrastructure. These
15 projects are also adding dollars to our training
16 programs that allow us to backfill our retirees with
17 a new generation of highly skilled workers to meet
18 tomorrow's demands.

19 A recent study by Ohio University
20 predicted more than 54,000 construction jobs will be
21 created by the projects that have come before the
22 Board. We really haven't seen this level of rural
23 development opportunity in Ohio in quite a while.
24 Our members have been engaged in nearly every solar
25 energy project because this opportunity is important.

1 We've become quite familiar with the
2 Siting Board's rules and extensive public and legal
3 review process required to get a solar project
4 permitted. We have participated in nearly all the
5 public information meetings, and we have provided
6 sworn testimony to the Board in support of many
7 projects. I can say that the Power Siting Board
8 Staff has done a great job managing this public input
9 process throughout a difficult year we've dealt with
10 this ongoing pandemic.

11 From conception through construction, it
12 may take 40 years or more to see a solar project
13 become a reality. Throughout my 40 years in the
14 construction industry, it's been my experience that
15 construction projects can be complicated and
16 sometimes are making changes to the final designs
17 right up until construction begins.

18 During workshops held earlier this week,
19 I understand the Board is interested in people's
20 thoughts on whether to front load certain aspects of
21 the final project design be completed prior to a
22 certificate being issued. I think this would create
23 unnecessary hurdles for those projects, but we really
24 don't need them.

25 A lot of this information can be provided

1 prior to the construction commencement but should not
2 be necessary prior to obtaining a permit. The Board
3 should allow the engineers, surveyors and our partner
4 contractors to do their diligence to ensure a cost
5 effective, safe project be constructed in harmony
6 with the local community.

7 There's another question in the entry
8 that I wanted to comment on as well. The question
9 considers whether rule specifics to the solar
10 industry are needed and talks about a few areas for
11 consideration, including setbacks. Just like I
12 mentioned earlier, things like setbacks and landscape
13 designs need to be treated with respect to the needs
14 of local landowners and communities. Picking up some
15 minimal setback rule and some landscape criteria
16 would make it harder to design these projects in the
17 way that best mitigates many concerns that might come
18 up.

19 Allow me to offer one example. It was an
20 Ohio project with concerns raised about the solar
21 panels blocking the view of one major rural
22 intersection. While the Ohio Department of
23 Transportation only required a 30-foot setback, the
24 company went much further than that after discussions
25 with the local community and was able to mitigate

1 concern.

2 This is what we're seeing with a lot of
3 these projects. They are working with our
4 communities, with landowners and with project
5 neighbors to come up with a design that works. The
6 Power Siting Board doesn't need to create some new
7 minimum setbacks or other project design elements,
8 and instead should let the collaborative approach
9 continue. I believe this would be consistent with
10 the guidance provided in Senate Bill 52 which the
11 IBEW participated in the legislative process.

12 I have one last comment on a topic not
13 raised in the entry. Senate Bill 52 has created a
14 new process for projects that are not grandfathered
15 by certain criteria outlined in this bill. Part of
16 the process, the township trustee and County
17 Commissioner or their designee will be placed on the
18 Board as a voting member for a project in their
19 community.

20 It's not clear to me how the public will
21 be informed on that selection process, and I would
22 like to suggest that a recusal standard be
23 established to address any situation where a clear
24 bias against a project might exist. If someone has a
25 beneficial interest in a project, they cannot be a

1 voting member, but if someone is known to be opposed
2 to development, there is currently no recusal
3 required.

4 The voting members should be educated on
5 the Board's project review criteria and their
6 responsibilities as a voting member. And the Board
7 should ensure that its currently act based process is
8 not criticized or subjected to an individual's
9 personal bias, whether it be for or against or
10 otherwise disrupted.

11 Ultimately, we support house regulation
12 that helps Ohio take advantage of this solar
13 opportunity. This means a regulatory process that is
14 both consistent and predictable and that allows
15 reasonable solar development in the jobs that it's
16 bringing to succeed. Thank you.

17 ALJ WILLIAMS: Mr. Crum, thank you. A
18 couple of follow-up questions regarding your
19 comments. You referenced the earlier workshops, and
20 I wanted to reiterate and stress the points I raised
21 earlier this week which are certainly the comment
22 phase of this case is going to be critical to the
23 Board's consideration of changes to the rules.

24 And to the extent there are, as you
25 described, unnecessary hurdles that would arise by

1 front loading additional project design information,
2 the level of those hurdles and specificity would be
3 helpful during the comment phase so that the Board is
4 aware of that.

5 As the project coordinators for the
6 supply of labor, you're in a better position to let
7 the Board know, "We can't have the front end
8 because..." and I would certainly reiterate and
9 stress the need for that information.

10 Also regarding your suggestion of the
11 recusal standard for members of the political
12 community that are not going to be a part of the
13 voting record in some of these cases in the future,
14 to the extent a recusal standard is contemplated, the
15 Board would certainly welcome comments as to the
16 legislative or statutory framework for that recusal
17 standard.

18 The legislature has spoken through Senate
19 Bill 52. They've advised who has voting rights in
20 the case and other criteria. And so to the extent
21 the Board would contemplate excising members from
22 that role would certainly look for guidance as to on
23 what basis. You're welcome to provide additional
24 comments now or just provide those as part of the
25 record.

1 MR. CRUM: Yeah, I think I would prefer
2 to just make it part of the record. I don't know
3 that I have thought it through enough to discuss it
4 today.

5 ALJ WILLIAMS: More than fair, sir. I
6 just wanted to bring those points to light before I
7 let you go. I do thank you for your time this
8 morning. Thank you, Mr. Crum.

9 MR. CRUM: Thank you.

10 ALJ WILLIAMS: We have a quick
11 housekeeping matter. When I'm looking around here,
12 I'm not distracted. There's another screen going
13 with a Chat function, so this may or may not be
14 helpful. I understand some people are having
15 problems accessing this.

16 So if anybody who is accessing is in
17 contact via cell or text with anybody who's
18 struggling, the number to simply dial into this is
19 1-408-418-9388, and the code is 1795482372. So
20 hopefully that helps in realtime and, again, this is
21 being recorded and will be available on the Board's
22 website.

23 So unless there's anything to clarify
24 beyond that, Micah, our next presenter today is Chris
25 Tavenor.

1 MR. SCHMIDT: You've been promoted, if
2 you could enable your audio and video.

3 MR. TAVENOR: Can you hear me?

4 ALJ WILLIAMS: Yes, sir. Good morning,
5 Mr. Tavenor.

6 MR. TAVENOR: Good morning. My name is
7 Chris Tavenor. I'm the Staff attorney for the Ohio
8 Environmental Council. Thank you for the opportunity
9 to give comments today. The OEC is committed to
10 ensuring healthy air, land and water for all who call
11 Ohio home, and in the present, much of our work
12 focuses on the climate crisis we're all collectively
13 facing.

14 Electric generation is a primary cause
15 of climate change, thus how the OPSB operates and
16 approves projects is particularly important in that
17 context. Thus, the OEC appreciates the opportunity
18 to discuss how the Ohio Power Siting Board's rules
19 should be updated and revised to address the current
20 realities of our modern energy system and the ways
21 our communities interact with energy infrastructure.

22 So I'm going to work through the
23 questions that you all had in the document on the
24 docket, a few that are directly addressing those and
25 a few other broader comments as well.

1 So the Question i on whether or not the
2 combination of the two sections of the Administrative
3 Code, OEC is not opposed to combining these two
4 sections as long as the strength of the environmental
5 considerations for projects under review by the OPSB
6 are not diluted or diminished by combining those
7 administrative sections, the electric generation
8 facility section and the transmission facility gas
9 pipeline section.

10 Second, Questions j through l, I'm kind
11 of going to answer those all in one bucket because
12 our comments directly on climate change kind of
13 pertain to all of these issues at once.

14 So whether it's included in the project
15 summary, description, schedules, or in other sections
16 of a project's application, all future projects
17 considered by the Ohio Power Siting Board must
18 closely and holistically consider the impact of the
19 project on our environment but in particular its
20 relationship with climate change.

21 The science is more than certain that
22 climate change is caused by anthropogenic greenhouse
23 gas emissions, and one of the largest contributors to
24 GHGs is the electric power sector. As they currently
25 stand, the OPSB's rules do not factor climate impacts

1 into its decision-making process at all. That needs
2 to change.

3 Electric generation facilities and
4 natural gas pipelines both need to communicate
5 information regarding climate impacts in their
6 applications. The climate impacts also must be
7 considered by the OPSB when considering whether to
8 approve a project.

9 What could a climate impact assessment
10 look like? It could include all of the following: A
11 calculation of the estimated GHGs produced by the
12 project over its useful life, including construction
13 and operation; a statement of GHG mitigation efforts
14 undertaken by the applicant in connection with the
15 proposed project; projections regarding whether the
16 proposed project will directly result in the
17 decommissioning of other projects which produce more
18 GHGs; and a discussion of the predicted impacts of
19 future climate shifts to the project location,
20 talking about climate impact.

21 A discussion of climate impacts should
22 also include a discussion of the equitable
23 distribution of the benefits and impacts of a project
24 both in the present and for future generations.

25 Ohio would not be the first state to

1 implement a climate impact assessment into its power
2 siting process. Washington's Energy Facility Site
3 Evaluation Council requires applicants to describe
4 impacts caused by greenhouse gas emissions and the
5 mitigation measures proposed, WAC 463-60-312.

6 In Oregon, its Energy Facility Siting
7 Council requires an assessment of future climate
8 conditions for the expected life span of the proposed
9 facility and the potential impacts of those
10 conditions on the proposed facility, OAR
11 345-021-0000.

12 New York also includes language requiring
13 a close review of the climate impacts of proposed
14 facilities. New York's 2020 Climate Leadership and
15 Community Protection Act, CLCPA, directs state
16 agencies to consider the state's GHG emissions,
17 zero-carbon by 2040 electricity and equity goals when
18 considering and issuing permits, licenses and other
19 administrative approvals and decisions, including but
20 not limited to the execution of grants, loans, and
21 contracts.

22 And in Nevada, the Public Utilities
23 Commission must make a determination of "need" for
24 any facility to ensure reliable utility service if
25 the facility emits greenhouse gases and does not use

renewable energy as its primary source of energy to generate electricity, NRS 704.890.

We would like to draw particular attention to Nevada's requirement for its Public Utilities Commission to make a determination of need for any GHG-emitting facility. Because the science is more than certain on the causes of climate change, any new project that emits greenhouse gases has the potential to further exacerbate Ohio's contributions to the larger problem.

Every decision from the OPSB must closely consider whether a new greenhouse gas producing facility is truly needed and whether the energy needs could be better met by renewable resources. We cannot afford to lock in additional decades worth of greenhouse gases through fossil fuel infrastructure and generation, and we must be quickly charting a path to a net-zero carbon economy.

Ohio must include an analysis of climate impacts in all future power siting applications. If it does not, it is making decisions in the absence of fundamental evidence regarding the impact of facilities on future generations, infrastructure, the environment, and local communities across the state.

So as the OPSB reconsiders its

1 administrative rules, we urge it to modernize the
2 rules to include a climate impact lens given the
3 short timeline we have to stop the most significant
4 impacts of climate change from occurring and the
5 direct impact of the different types of generation
6 facilities will have on either exacerbating the
7 crisis or ensuring Ohio is working to reduce those
8 impacts.

9 The next question I want to address is
10 Question n in regard to project siting, what
11 information should an applicant file to support its
12 consideration of public involvement as to the
13 sites/route selection process.

14 Because these projects directly impact
15 the communities, the applicant should be meeting with
16 the communities to lay out the site/route selection
17 process and taking into account and addressing
18 concerns that are raised.

19 The applicant should then be required to
20 include information as to what outreach they have
21 done in the community and how they have approached
22 and engaged stakeholders and community members in the
23 project footprint and surrounding area.

24 The applicant should also indicate what
25 feedback they received and how they addressed the

concern, if they addressed it, including why they did or did not alter the project site/route based upon the concerns they received.

Question n: For all applications, what information should an applicant file in the public docket in regard to public interaction and complaint resolution?

The most important component of this is that there is a readily available and attended phone line for residents to raise any preconstruction and pre-operation project development so that they can be addressed in a timely manner. If those complaints are not resolved, the applicant should be required to file those complaints on the docket.

Question o, what information should a wind or solar facility applicant file regarding its decommissioning plans? The OEC's position is that it is important for all forms of generation in the state, not only wind and solar, to have full decommissioning plans and a bond proposed and approved along with the project before construction begins.

Question p: What information should an applicant file in regard to communications with local government contacts? We encourage the OPSB to

1 require applicants to file, directly on the docket,
2 all communications with local governments, both sent
3 and received. As communities become more interested
4 in a particular project, it's important they can
5 easily see what other communications the applicant
6 has had with decision-makers in the project area.

7 Similarly, if an applicant makes any
8 concessions or agreements with local decision-makers
9 regarding a project, its scope, or any other topic
10 pertaining to the application, those agreements
11 should be filed timely on the docket to inform both
12 the OPSB and other interested parties.

13 If such agreements require a modification
14 to the original application, the applicant should
15 file an amendment to the relevant portions of the
16 application within a reasonable timeframe, as
17 required by the rules.

18 And Question q: What information should
19 an applicant file in support of its compliance
20 with environmental and aviation regulations? There's
21 a lot of coordination between federal and state
22 agencies on environmental matters throughout the
23 trajectory of a case while at the OPSB.

24 Regular updates on the docket from those
25 agencies for the benefit of stakeholders would help

1 to ensure that information is making it to the public
2 and that they understand what additional oversight is
3 being provided on environmental matters while the
4 case proceeds through the siting process.

5 We also encourage the OPSB to build rules
6 that are responsive to new requirements and
7 expectations possibly developed through federal
8 legislation currently pending in Congress regarding
9 energy projects, particularly regarding their climate
10 impacts.

11 Just two final points that are not in
12 direct response to any of the questions that were
13 framed: As we continue to diversify our energy
14 generation sources and transition toward renewable
15 resources, we must develop creative ways to
16 simultaneously protect wildlife and other
17 environmental resources.

18 The OEC is particularly interested in the
19 idea of incentivizing different types of land for
20 development, based on the impact to wildlife, as long
21 as such incentives do not impede rapid uptake of the
22 clean energy technologies necessary to combat the
23 climate crisis.

24 Finally, we also want to emphasize the
25 importance of considering all energy sources equally

1 and fairly, including a close consideration of the
2 equitable distribution of impacts from energy
3 generation and production. While wind and solar
4 energy are receiving significant scrutiny, the OEC
5 emphasizes the disparate treatment of those energy
6 sources when compared to the siting and setback
7 requirements of natural gas production in
8 communities.

9 While the OPSB does not have
10 jurisdiction over oil and gas well siting, it has
11 control of facilities using natural gas, and the
12 long-term impacts of continued fossil fuel use will
13 impact many generations to come. Those are the end
14 of my comments. Thank you.

15 ALJ WILLIAMS: Thank you, Mr. Tavenor. I
16 will make a note of not the long A next time as well
17 in your name. I did have one final clarification.
18 You referenced the need for benefits to additional
19 information holistically regarding climate change and
20 greenhouse gas emissions and you referenced some
21 other states that have dealt with this already
22 proactively.

23 I would certainly be interested in either
24 as part of the formal comment aspect of this case and
25 exact language that you propose. Obviously the Board

1 is charged with considering the nature of the
2 probable environmental impact, as well as a minimum
3 adverse environmental impact as part of the statutory
4 charge in these types of cases, so to the extent
5 those definitions you feel could be better endowed or
6 clarified, it would be helpful of the Board's
7 consideration in these rules.

8 MR. TAVENOR: Yeah, definitely. I'll be
9 submitting these comments to the court reporter.
10 I've got some of the citations in there as well, but
11 when the formal commenting process is going on,
12 definitely willing to make sure all that information
13 is available.

14 ALJ WILLIAMS: Thank you for your time
15 here, Mr. Tavenor.

16 MR. TAVENOR: Thank you.

17 ALJ WILLIAMS: I understand our next
18 presenter is available by phone, that's Chip Kepford.

19 MR. KEPFORD: Yes, I'm present.

20 ALJ WILLIAMS: If you could just identify
21 yourself and where you're from and then go ahead and
22 proceed.

23 MR. KEPFORD: My name is Chip Kepford.
24 I'm in Marion County. I'm a farmer, landowner, and I
25 am involved in attending solar projects here. And

1 I'm going to wing this all. I've got prepared
2 remarks here and I'm throwing that away. And I guess
3 I'm going to talk about my biggest concern with this,
4 the changes that you're contemplating implementing
5 along with Senate Bill 52.

6 And I'm real concerned about how this is
7 setting a precedence infringing on my property
8 rights. You know, we have zoning here, and every
9 township's a little different, rules and regulations,
10 which I understand for many reasons, but now like I
11 said, my property rights are a huge concern and, you
12 know, I've never heard the word viewshed.

13 I listened to the first presenter and
14 there's a lot of angry people out here which have
15 been kind of monitoring different solar projects all
16 over the country and even talked to some landowners,
17 and I mean, they're scared. They've been approached.
18 They've been threatened.

19 And we're using all these weird reasons
20 why we need all these regulations from contaminating
21 the ground water to there's a tremendous amount of
22 people concerned about we're going to run out of food
23 and they're concerned of what I'm going to do with my
24 property.

25 And, you know, nobody's been concerned

1 about my property for 30 years. No one was worried
2 about me making the payments. Now they're worried
3 about it. But all this anger is implementing
4 changes, and as a landowner, I feel bullied. And
5 I've talked to other landowners involved in this and,
6 you know, it's a huge concern.

7 This viewshed, like I said, that's
8 another word, they don't like maybe what this looks
9 like, so they're infringing on my property rights. I
10 don't like looking at some of these houses around my
11 field. Can I dictate to them what they do with their
12 property? Like I said, it's a huge concern that you
13 guys are setting a precedence infringing on my
14 property rights and, you know, submitting to these
15 bullies that don't want it.

16 Like I said, I've done a lot of research.
17 They want compensated. They feel entitled, these
18 surrounding -- if they want to look at it, they're
19 happy as long as they're paid. I just don't want to
20 set a big precedence on, that's what this is about,
21 implementing changes that's not good enough, and
22 that's my huge concern.

23 And I've got kids, I've got grandkids
24 and, you know, some of the horror stories of these
25 angry people, I don't know. We need to put something

1 in there in your new rules and regulations that stops
2 this bullying. I don't know, I'm not even going to
3 go through the other talking points because that's
4 paramount of my concerns on what you're doing. And
5 the project I'm involved in is grandfathered. It's
6 far enough along, but I just wanted to make those
7 comments, and that's it. Ask me any questions you'd
8 like.

9 ALJ WILLIAMS: Mr. Kepford, I do
10 appreciate your account here today. I mean,
11 obviously these are highly charged and complicated
12 concerns in terms of landowners whose property rights
13 are potentially impacted as well as landowners who
14 might be impacted or certainly some that are impacted
15 by projects that come in where we're participating.

16 I would try to tailor my follow-up
17 response to your comments toward providing
18 information either now or during the formal comment
19 period of this case that gets toward how the Board
20 can enhance the balance, that is, the need for public
21 awareness, the need for public participation and
22 consideration of local and specific concerns in
23 regard to the statutory obligations the Board has to
24 consider environmental impact and conservation
25 measures and groundwater issues and all the different

1 areas that are outlined in 4906.10 of the Revised
2 Code.

3 So I'm not trying to put you on the spot
4 now, but certainly the specifics that you can provide
5 relative to what information you feel is overly
6 prescriptive or what information you feel might be
7 helpful to better the local community understanding
8 these projects in consideration of the issues would
9 be helpful to the Board's analysis here. Does that
10 make sense, sir?

11 MR. KEPFORD: I think you want some
12 specific guidelines written out, but, you know, I'm
13 kind of a guy of common sense, you know. You work
14 your whole life to buy these farms and pay for them,
15 and then all of a sudden angry neighbors that come in
16 the rural area and want to dictate these rules or
17 they want compensation.

18 And that's what it boils down to, you
19 know, the opponents of this, it's a real reach coming
20 up with all these -- You know, like I said, I've been
21 watching this for a couple years now and, you know,
22 killing the birds and how the birds are falling down
23 from being blinded to doing something with water
24 runoff and vegetation.

25 The lady that spoke earlier worried about

1 weeds, I mean, if that becomes an issue and my beans
2 don't get sprayed and they're weeded, is there a
3 recourse now because somebody doesn't want to look at
4 the weeds in my beans? You know, it's just very
5 concerning to myself and my family, my partners in
6 this project. We had no idea that people would be so
7 angry and then more setbacks, more unusable ground.

8 You know, the solar project I'm involved
9 with, I get to continue farming all the ground that's
10 not being used in panels, but now if we change the
11 setback, there's more unusable ground which affects
12 me which again infringes on my property rights.
13 Again, I'm worried about this setting a precedent
14 where we have local trustees, commissioners dictate
15 what you do, you know.

16 Is it going to escalate into you can't
17 build a barn here or I don't like the grain bin you
18 have or corn is too tall, only plant beans? This
19 whole idea of putting more restriction on the land
20 and the angry people and there's no -- and you're
21 submitting to angry people. I don't get it.

22 So, anyhow, I kind of -- I'll stop
23 repeating myself, but as a landowner, I think that
24 ought to be -- you guys ought to understand that.
25 And I have kids and grandkids, and I hope to stay on

1 this land and be in this community, but it's
2 concerning -- it's just concerning everybody's giving
3 into an angry mob.

4 ALJ WILLIAMS: Mr. Kepford, I do
5 appreciate your time and your landowner perspective
6 here today. Thank you for your presentation this
7 morning and you have a good day, sir. Thank you.

8 MR. KEPFORD: Thank you.

9 ALJ WILLIAMS: Our next presenter is
10 W. Susan Dempsey.

11 MS. DEMPSEY: Hello.

12 ALJ WILLIAMS: Good morning,
13 Miss Dempsey.

14 MS. DEMPSEY: Good morning.

15 ALJ WILLIAMS: Please proceed.

16 MS. DEMPSEY: Thank you. Your Honor,
17 thank you very much for this opportunity to
18 participate in this workshop as the OPSB used their
19 reported administrative rules for electric generating
20 facilities. Again, my name is Susan Dempsey, and I'm
21 speaking as just a concerned citizen in the State of
22 Ohio.

23 Earlier last year I was invited to
24 participate in the workshops in March of 2020, but
25 with the Covid situation, I was prevented from

1 participating in person; however, I did provide
 2 written comments, and so I will not go through a
 3 whole lot of repeats of those discussion topics, but
 4 I wholeheartedly support the open, transparent and
 5 fair discussion and decision-making process that the
 6 OPSB is undertaking, and I admire and appreciate the
 7 thorough evaluations of the Staff and the dedicated
 8 efforts of the Board to review and evaluate all the
 9 many applicants for electric generating facilities
 10 and transmission lines that they do consider.

11 Today I only had a brief comment to make
 12 about relative to question 16 regarding
 13 decommissioning plans. And I understand there's a
 14 new version of Code 4906.221 that is coming out next
 15 week. It becomes effective next week and addresses
 16 more thoroughly the requirements of the
 17 decommissioning plans.

18 Often OPSB facility certificates are
 19 actually assigned to a project and the developer is
 20 not known. And as the certificate is assigned to a
 21 project, it may be reassigned to different
 22 developers, sometimes before the project is actually
 23 begun or during construction and even after
 24 completion.

25 And so my question is, could there be a

1 clearer understanding of who the developer really is
2 earlier in the process and that their
3 responsibilities for the decommissioning be assigned
4 to them by name. As responsibility for
5 decommissioning plans transfer with the certificate,
6 they're reviewed every five years so that the
7 decommissioning fund may be fully available at the
8 end of the life of a facility.

9 My concern is really about turbines or
10 facilities that may break down or be damaged or cease
11 to function in earlier times, in the first five years
12 or before it reached fully estimated life or before
13 the bond may be fully funded. So I was -- My
14 question is whether the OPSB could ensure the funding
15 for the decommissioning is provided more fully prior
16 to construction and that it is -- actually has a
17 named developer and responsibility assigned to it.

18 That way there would be sufficient funds
19 no matter when there might be some problems with a
20 turbine or with a facility, and that the fund would
21 be able to repair even if there was only one or two
22 of the turbines in the farm that could be and would
23 be rehabilitated along with the natural habitat. And
24 that is my -- that's my -- those are my comments on
25 question 16.

1 And on question 8, I just had a comment,
2 and that is -- that's the question regarding
3 communications with local governments, and my
4 question is to the OPSB does that include any kind of
5 lobbying efforts made by the developer or the project
6 lead in terms of meeting with governments, state
7 governments or state government legislators and
8 whether that includes all the lobbying efforts that
9 are made on behalf of the project.

10 And that is my -- those are my comments.
11 Again, I appreciate this opportunity to participate
12 and thanks the OPSB for the work and honest efforts
13 of the staff, including the public, in this review
14 and for protecting our lands and our environment and
15 our natural resources. Thank you.

16 ALJ WILLIAMS: Miss Dempsey, thank you
17 for your comments today. I will certainly ensure
18 that the Board is aware of those comments,
19 particularly with regard to the timing for the
20 declarations that are associated with non-funding in
21 regard to these projects. Thank you.

22 MS. DEMPSEY: Thank you.

23 ALJ WILLIAMS: Our next presenter is Hope
24 Taft.

25 MR. SCHMIDT: You've been promoted, if

1 you can enable your audio and video.

2 MS. TAFT: Can you hear me?

3 ALJ WILLIAMS: Good morning, Miss Taft.
4 We hear you loud and clear.

5 MS. TAFT: Great.

6 ALJ WILLIAMS: You don't have any video.
7 If you intend to be on video, I wanted to make you
8 aware of that.

9 MS. TAFT: No, that's fine. I don't want
10 you to see my messy office.

11 ALJ WILLIAMS: Okay. Please proceed.

12 MS. TAFT: All right. My name is Hope
13 Taft, and I'm in Greene County, and I am representing
14 the Little Miami Watershed Network which is a small
15 grassroots all volunteer nonprofit in Greene County
16 and that it's very concerned about the environmental
17 impact of utility-sized solar and wind power along
18 the Little Miami River in particular and in Greene
19 County and Ohio in general.

20 With little research available, we have
21 worked hard to come up with what we think would be
22 best practices for siting of solar utilities. We
23 also highly recommend that the Board be engaged --
24 that you engage a land grant university like Central
25 State or OSU to conduct long term research on the

1 consequences of your decisions.

2 We have prepared a list of what we think
3 would be best practices that I will e-mail to you
4 which are in more detail, but we'd like you to
5 realize that the environment needs a voice and the
6 environment knows no property lines, and we depend on
7 the environment for our own lives, and what we do to
8 the environment now will come back and haunt us in
9 years to come. It's a very close relationship that
10 many people don't understand, but it's one that needs
11 to be considered in all that you do.

12 We do have some major concerns about the
13 the utility sized solar rays and their impact on
14 local government or the local environment, excuse me,
15 like land, water, flora and fauna. And besides not
16 being much research on land fertility and native
17 plants and water and wildlife and inhabited on a
18 broader level, we think that ought to be done.

19 We also wish that you would require that
20 studies for applications be done at prime times for
21 plants or for animal migration so that you have a
22 full picture of what is happening on the land. And
23 we are concerned about creating more brownfields in
24 the future, will it kill off the land and aquatic
25 wildlife. What about weather conditions that had

1 been mentioned previously.

2 Is there an emergency disaster plan in
3 place? How long will it take to recharge the aquifer
4 from your activities? What about noise reduction and
5 road repair and all the local things that will be
6 impacted by the construction of large solar and wind
7 rays?

8 And the maintenance in the
9 decommissioning on long-term removal of the sites is
10 very concerning to us because of what it will do to
11 the land in that 30 or 40-year process. There are
12 many threats to prime agricultural land, and how you
13 can curb them is very, very important because at the
14 end of the project, we will need that land to be
15 productive again and not basic brownfield.

16 So those are my basic concerns. We do
17 have some more outlines in our best practices that we
18 will send to you, and I hope that you will continue
19 to take all of the issues and views and size of this
20 issue into consideration because it is a large task
21 that you are required to come to some resolution on.
22 Thank you very much.

23 ALJ WILLIAMS: Miss Taft, I thank you for
24 your time and look forward to your receipt of your
25 best practices, and certainly the Board and Staff

1 will review the best practices and your comments here
2 today in association with its consideration of
3 potential enhancements to the environmental
4 protections that are already in the rules and the
5 consideration of what, if any, expansions are
6 appropriate from the rule perspective.

7 MS. TAFT: Thank you very much.

8 ALJ WILLIAMS: Have a good day.

9 MS. TAFT: You too.

10 ALJ WILLIAMS: Our next presenter is
11 Kenny McDonald.

12 MR. SCHMIDT: Mr. McDonald will not be
13 commenting today. Another representative of his
14 organization is the next one on our list, Alex
15 Fischer, who will be providing the comments.

16 ALJ WILLIAMS: Thank you, Micah. With
17 that then, we'll proceed to Alex Fischer.

18 MR. FISCHER: Great. Thank you,
19 Mr. Williams, and all the members of the OPSB that
20 are participating in this important workshop and
21 important discussion for Ohio's future.

22 I'm Alex Fischer. I'm the President and
23 CEO of the Columbus Partnership. We're a business
24 organization in 11 counties of Central Ohio focused
25 primarily on economic development, growing Ohio's

1 economy and creating jobs.

2 We're fortunate to have a professionally
3 staffed Siting Board to review all of these complex
4 and important applications. The Administrative Law
5 Judges and Staff experts have done a good job
6 reviewing these applications and coordinating with
7 the many state agencies and expert staff that is
8 needed to ensure responsible development in Ohio.

9 All of this is critical to our efforts to
10 continue to make Ohio a very attractive state for
11 businesses. It's important that these rules remain
12 reasonable and that they're balanced by an actual
13 need for information that is useful and relevant for
14 evaluating applications.

15 We want to make sure that those
16 regulatory obstacles to Ohio's business creation are
17 balanced and are focused on accelerating a job and
18 economic growth opportunities in our state. The
19 Siting Board we believe should also through this
20 process, you know, think about how to look at any
21 unjustified or bureaucratic barriers that may exist.

22 A common practice in industry is the use
23 of six Sigma type activities to review processes
24 where you take them and you look at them in a linear
25 way and asking the question what are pieces of the

1 process that can be done in parallel as you meet
2 different hurdles of a process, how do you always
3 ensure that you're not going back over in a do-loop
4 to repeat those hurdles. So I applaud this process
5 to take a look at and refresh and constantly think
6 about how to streamline the processes of approval.

7 At the end of the day, our region has
8 seen great growth. Certainly now we lead the midwest
9 in the center of the midwestern economy. And a large
10 part of that has been the evolution that is occurring
11 around energy and energy requirements.

12 Just today we have over a dozen projects
13 that would create \$15 million of investments in over
14 20,000 jobs that are dependent on renewable energy
15 technologies. This is a trend that is not going to
16 change; it's only going to continue to accelerate.

17 So it emphasizes the need to make sure
18 that Ohio is a contemporary in forward thinking.
19 Well over a hundred thousand residents and hundreds
20 of facilities exist all over Ohio that are dependent
21 on Clean Energy, both solar projects and wind
22 projects. And, you know, that simply wasn't the case
23 a decade ago.

24 So it just further illustrates the need
25 to constantly be using the best practices to look to

1 others and to understand how Ohio can lead, how Ohio
2 can continue to be in a strong position for growth
3 and for job creation, while at the same time making
4 sure that we always balance our most precious
5 environmental assets and quality of life in the
6 state.

7 So, we are pleased to continue the
8 partnership with OPSB, have appreciated all of our
9 engagement over the years. Happy to answer any
10 questions, and we will follow with some written
11 testimony.

12 ALJ WILLIAMS: Mr. Fischer, I appreciate
13 your comments. The Board is certainly aware of the
14 wedding or the merger of clean energy and business
15 developments and how those have become more tied
16 together in recent times. We'll certainly invite
17 more specifics of your comments later in this case.
18 Thank you.

19 MR. FISCHER: Thank you so much.
20 Appreciate the opportunity.

21 ALJ WILLIAMS: Likewise.

22 Our next presenter is Jenifer Adams.

23 MR. SCHMIDT: You've been promoted, if
24 you could enable your audio and video.

25 MS. ADAMS: Good morning.

1 ALJ WILLIAMS: Good morning, Miss Adams.

2 MS. ADAMS: How are you?

3 ALJ WILLIAMS: I'm well. Yourself?

4 MS. ADAMS: I'm pretty good. I'm going
5 to keep my camera off just to conserve bandwidth. I
6 don't have the best Internet signal here.

7 ALJ WILLIAMS: I'd rather hear you more
8 clearly, so please proceed.

9 MS. ADAMS: Good morning. My name is
10 Jenifer Adams. I'm here today on behalf of Citizens
11 for Greene Acres. Citizens for Greene Acres is an
12 all volunteer, nonpartisan organization that was
13 formed in May of 2019. Our mission is to promote
14 preservation and stewardship of farmland, cultural,
15 natural and recreational resources and to encourage
16 community participation and proposed utility-scale
17 energy products --

18 ALJ WILLIAMS: Miss Adams, I'm sorry to
19 interrupt. Can I get you to slow down just a little
20 bit and be a little louder. I can see my court
21 reporter is struggling a bit.

22 MS. ADAMS: Yes. I will do that. I
23 thought I was yelling.

24 ALJ WILLIAMS: Thank you.

25 MS. ADAMS: In this role with Citizens

1 for Greene Acres, we've had the opportunity to
2 communicate with residents and organizations for
3 multiple counties and townships across the state who
4 are most affected by utility-scale solar --
5 utility-scale energy projects.

6 We have been especially interested in
7 learning about best practices being considered or
8 implemented elsewhere. We have studied documentation
9 from multiple OPSB cases and researched rules and
10 regulations about industrial scale solar
11 installations in other states and countries.

12 We are here to share what we've learned
13 in an effort to provide input to the OPSB and to
14 suggest changes that will benefit all Ohioans. We've
15 put together a lengthy response from this exercise,
16 but in the interest of time, I will only cover the
17 five points for this workshop and provide our full
18 write-up after the meeting.

19 I'll first cover our input to review the
20 OPSB workshop questions, and I'll cover some of our
21 suggested revisions to specific sections of the rules
22 that I haven't already discussed. I ask that you
23 bear with me because I'm handling this in a bullet
24 point format so it won't flow as nicely as some of
25 the other input you've received today.

1 ALJ WILLIAMS: Of course.

2 MS. ADAMS: As far as the OPSB workshop
3 questions, the first one I'll address is number two
4 regarding additional information for the proposed
5 project summaries. We would ask that you require --
6 Some developers will include it now, but we ask that
7 it be required that the name of the developer
8 submitting the application be included in the
9 information they submit.

10 We also ask that the applicant should
11 include the company's experience and qualifications
12 associated with project development, instruction,
13 operation and decommissioning of energy projects.

14 We ask that the developer disclose if
15 they plan to own and operate or sell the project.
16 And in an effort to keep all promises made to local
17 residents and officials, the developer needs to
18 detail all assurances, agreements, guarantees and
19 promises made. This information is critical in the
20 event the project is sold or the developer's
21 personnel change.

22 Question No. 5, in regard to project
23 siting and public involvement, in an effort to ensure
24 transparency and true demonstration of community
25 involvement or input, we suggest the addition of an

1 intent to develop information meeting prior to any
2 leases being signed. Earlier outreach is paramount
3 and it needs to be done in a transparent way.

4 After leases are signed, participating
5 landowners are prevented from discussing the project
6 with anyone including family and neighbors. This
7 creates a wall of secrecy and prevents open
8 communication and community involvement.

9 Additionally, an Intent to Develop meeting would
10 allow for the community discussion to begin prior to
11 the developer spending funds on leased properties.

12 Third item here, to support your
13 consideration of public involvement or the
14 developer's consideration of public involvement, the
15 applicant can detail the information provided in the
16 Intent to Develop meeting and the feedback received
17 from the attendees.

18 Additionally, the applicant can describe
19 in detail the applicant's communications with local
20 municipalities to confirm that the desired facility
21 site or route is compatible with current and future
22 land use and development plans.

23 Regarding Question No. 7, I'm referring
24 to the numbers on the OPSB website rather than the
25 official file on the document. Question No. 7

1 regarding decommissioning plans, as the Board
2 considers implementing rules regarding
3 decommissioning plans and estimates, we would like
4 the following to be considered:

5 The applicant would state the relevant
6 education and years of experience of the engineer
7 preparing the decommissioning estimate to include
8 experience gained during project -- actual project
9 decommissioning operations, as well as proof of the
10 engineer's registration with the State Board of
11 Professional Engineers registration.

12 According to the new Senate Bill 52
13 information, the estimates will now have to be
14 updated every five years, so the estimate updates
15 conducted every five years should include a
16 comparison from the new estimate to the old estimate
17 if that makes sense, and an explanation provided that
18 describes why the numbers have changed one way or
19 another.

20 The applicant should list all the parties
21 responsible for decommissioning and their relevant
22 education and work experience. The applicant shall
23 provide a detailed schedule of the decommissioning
24 activities.

25 An applicant should provide a detailed

1 estimate of the full cost of decommissioning the
2 utility facility including detailing which methods
3 will be used for proper disposal of all facility
4 components and a cost to complete each method, so
5 basically describing what methods they will use to
6 properly dispose of all of the components for
7 decommissioning and the cost to complete each, as
8 well as providing the location where the facility
9 components will be recycled or disposed of.

10 We ask that they detail the actions that
11 will be taken to restore the land to its
12 preconstruction state and the cost to complete each
13 of those restoration activities.

14 We ask that they include a description of
15 the inflation method and rates that they used to
16 prepare the estimate; that they detail any facility
17 components that are assumed to remain in place after
18 decommissioning and the cost that it would take to
19 remove them if it was deemed necessary to remove
20 them.

21 We ask that they detail the amount
22 included in the estimate for contingencies or
23 unforeseen or unanticipated decommissioning costs.
24 And if the project is proposed on land used for
25 agricultural purposes, we ask that they detail the

1 cost required for the removal of noxious weeds, the
2 restoration of the soil to its original class or
3 quality and the restoration of irrigation systems,
4 field drainage systems, storm water runoff systems
5 such that they will again be conducive to
6 agricultural activities.

7 These things are likely to be modified to
8 be conducive with energy generation, and they should
9 be put back so that the agricultural activities can
10 continue.

11 So Question No. 7, what information
12 should an applicant file in regard to communications
13 with local government contacts? We just have two
14 suggestions there. The applicant should describe all
15 communications with local government contacts
16 including the date, offices and officials contacted
17 and the issues discussed or communicated.

18 And the applicant should also file proof
19 of communications with local government officials
20 demonstrating a detailed comparison of the
21 anticipated tax revenues with and without the use of
22 tax exemption programs.

23 Question No. 9, what information should
24 an applicant file in support of its compliance with
25 environmental and aviation regulations? The first

1 thing we have is that a detailed emergency management
2 plan that addresses acts of God, fire, training for
3 local fire, police, EMS and hazardous material crews
4 should be provided. They should detail the
5 procedures to be filed in the event facility
6 components are damaged or catch fire.

7 And information related to safety manuals
8 and manufacturer recommendations, manufacturer safety
9 manuals are essential in conducting a complete
10 analysis or assessment of the environmental impact in
11 the community.

12 I'm adding a comment, that I don't have
13 it written down yet, so I'll add it to my testimony,
14 but we actually agree with the previous commenter's
15 statements regarding an analysis of an energy
16 facility's total emissions; however, we believe this
17 analysis should include a complete review of the
18 technology's total carbon footprint to include
19 upfront activities such as mining for the required
20 raw materials and transportation and manufacturing
21 and all of those. It should be a complete analysis
22 of that technology's carbon footprint.

23 No. 12, implementing a rule to address
24 solar facilities. We agree that the Board should
25 implement rules to address solar facilities and

1 suggest the inclusion of content similar to that that
2 is in 4906-4-09 and 4906-4-10 that could also be
3 applicable to solar projects. Some of that content
4 overlaps or could overlap.

5 As the Board considers implementing a
6 rule for solar facilities, we would like the
7 following items to be considered: Utility-scale
8 solar facilities should be sited primarily on areas
9 zoned commercial or industrial, on land consisting
10 predominantly of soils with reduced agricultural
11 productivity due to adverse soil conditions or
12 physical limitations or areas designed -- excuse me,
13 areas designated as superfund sites and brownfields.

14 If it has been determined that no
15 alternative to agricultural land is viable, we
16 suggest that the OPSB limit siting of solar
17 developments on productive or prime agricultural
18 acres to no more than 1 percent of Class 1, two
19 percent of Class 2 and three percent of Class 4 soils
20 per development.

21 Those class references that I have made
22 are from the USDA Natural Resources Conservation
23 Service. There may be other soil survey resources
24 that could be used to provide such limitations, but
25 that's the one I happened to use today.

We believe that no project should be located within one mile of a scenic river. Setbacks from road right-of-ways and parcel lines should be limited to a minimum of 300 feet, and it should be specified that the area in the setback can be used for the landowner's agricultural purposes.

During facility operation, the noise generated should not exceed five decibels above the ambient noise at the property line. We also believe that there should be a requirement for damaged, obsolete and decommissioned solar panels to be recycled.

Then at the siting of solar facilities to regions that average less than 1 percent -- or excuse me, average less than one confirmed tornado every five years. We specifically bring up solar facilities here because wind tornadoes do hit them and they create quite the debris field.

I'm not going to go over all of these, but a couple other ones, we prefer the use of woven wire fencing as it's wildlife friendly and allows them to pass through; requiring solar panels that do not mimic water surfaces; and as industry has mentioned, the use of pollinator friendly grasses, plants and flowers native to the region and soil type

1 but the added requirement that they maintain their
2 upkeep the entire length of the project.

3 That's all I have regarding the
4 questions. I do have a couple more things that are
5 specific to changes in the rules that I haven't
6 already addressed. In Rule 4906-2-30, decisions by
7 the Board, we believe it should be added that the
8 Board give public comments from the case record and
9 testimony provided during the public hearings the
10 same consideration as information collected during
11 the adjudicatory hearings. That's not really
12 specified anywhere.

13 In 4906-4-02, the project summary, under
14 B we believe the applicant should provide a
15 description of any plans for future additions of
16 electric power generation in the region including the
17 number of parcels and acres leased and pursued in the
18 same county or within 50 miles of the proposed
19 project.

20 Rule 4906-4-03, project description,
21 let's see here, under the item that talks about the
22 types of pollutants and emissions and estimated
23 quantities, we believe this should include those that
24 will be released if facility components are damaged
25 or catch fire. And under water volume requirements,

1 this should include water used to limit dust and to
2 clean or maintain facility components.

3 Rule 4906-4-04, the project area
4 selection and site design for solar, the applicant
5 should detail areas of nonagricultural land in Ohio
6 that were ruled out and why they were determined to
7 be inadequate, including areas zoned commercial and
8 industrial, land with reduced agricultural
9 productivity due to adverse soil conditions or
10 physical limitations and areas designated as
11 superfund sites and brownfields.

12 Under 4906-4-6, economic impact and
13 public interaction, we believe there should be
14 something added where the applicant provide the
15 average hourly wages for construction manpower
16 assumed when creating the construction cost estimate.

17 There is a lot -- There are a lot of
18 unions that support the developments and that's good
19 and there's potential for employment there, but I
20 think it's important that they understand what the
21 going rate is going to be for that so that the unions
22 know what their employees can expect.

23 We believe that the applicant should
24 provide an estimate of the tax revenue accruing from
25 the facility that does not include the use of tax

1 abatement programs. Typically what we see in the
2 applications is just information specific to pilot,
3 although pilot programs and qualified energy projects
4 isn't always approved or authorized for the project,
5 so they should provide the information that does not
6 include the use of a tax abatement program.

7 They should also detail and provide an
8 estimate of the decrease in tax revenue accruing from
9 the facility based on tax abatement programs the
10 applicant anticipates applying for. They could also
11 provide an estimate of the increase in revenue
12 accruing from the payments required by any tax
13 abatement program.

14 And we think that an estimate of the
15 economics impact of the proposed facility should
16 include on agricultural land or on agricultural
17 activities. Right now it mentions only commercial
18 and industrial activities. So, for instance, it
19 should say the applicant shall provide an estimate of
20 the economic impact of the proposed facility on local
21 agriculture, commercial and industrial activities, so
22 simply listing agriculture in there and including any
23 reduction in existing economic activities.

24 Given that this land is currently taken
25 out of agriculture production for solar operations,

1 the negative impact to Ohio's agricultural economy
2 must be considered. According to the Director of the
3 Ohio Department of Agriculture, Dorothy Pelanda,
4 agriculture is a cornerstone to our economy and it
5 provides \$124 billion in yearly economic activity and
6 provides one in eight jobs to every Ohioan.

7 Siting solar in commercial or industrial
8 areas for our lands with adverse soil conditions
9 allows for the increased economic benefit of bringing
10 solar development to the state without also
11 sacrificing Ohio's agricultural economy. It results
12 in a true economic increase for the state rather than
13 an exchange of economic activities.

14 Let's see, almost done here. So Rule
15 4909-4-08, health and safety, for solar we believe
16 this should include the probable impact to the
17 population in the event solar components are damaged
18 or catch fire.

19 Regarding a preconstruction background
20 noise study, we believe this should include
21 measurements taken at the nearest property boundary
22 directly between the noise source and each habitable
23 residence.

24 For existing land use, we would ask that
25 they provide the total impacted acres of agricultural

land use and detail the types and capability class of the soil in the project area. For land use plans, we ask that they include details of any farmland preservation and recreation plans for the area; that they describe the impact of the proposed facility on regional plans for farmland preservation and recreation.

And if regional plans do not address solar or wind projects of a scale similar to that of the proposed facility, they should describe in detail the applicant's communications with local municipalities to confirm that the proposed facility is compatible with current and future land use and development plans, so basically upfront communication with local officials to ensure what they're doing is in keeping with regional plans even if solar and wind projects are not specifically addressed in their plans.

For the viewshed analysis, we recommend that the description include changes in elevation levels within and around the project area and how these elevation changes impact the viewshed of local residents. There's a lot of talk about other public places, the viewshed impact of other public places but not a lot with regard to the viewshed impact to

1 local residents.

2 And I'll close with a couple things for
3 agricultural information. As mentioned, we ask that
4 they detail the types and capability class of the
5 soil in the project area. We ask that they conduct
6 immediate clean-up in the event that facility
7 components are damaged or catch fire to help protect
8 the soil.

9 And we ask that a description of
10 reclamation procedures to be utilized by the
11 applicant during decommissioning to remove impacts to
12 agricultural land are demonstrated and that they show
13 the techniques and procedures required to achieve the
14 things I've mentioned before, restoration of
15 irrigation, field drainage, storm water runoff
16 systems so that they're conducive to agricultural
17 activities again, and more specifically restoration
18 of any excavated topsoil, removal of de-compaction
19 and restoration of the topsoil to its original class
20 or quality.

21 Thank you for bearing with me. I don't
22 have anything else, and I'll get all -- I'll provide
23 this in writing so that you guys have the exact
24 words.

25 ALJ WILLIAMS: Thank you, Miss Adams. I

1 have several pages of notes, and I do appreciate the
2 thought and intention of your comments. I did have
3 one clarification of going back to my notes. At one
4 point you had detailed breakdowns of percentages of
5 what should be permissive within projects, and it was
6 one percent of Class 1, two percent of Class 2 and
7 three percent of Class 4 soils to be the maximum
8 amounts within a project.

9 Is that based on any studies that you can
10 point to or any other stage or governmental
11 interactions that have dictated those percentages?

12 MS. ADAMS: Unfortunately there's not a
13 lot of material out there that determines exact
14 amounts of prime agricultural land that should be
15 conserved in particular developments. What you'll
16 find is examples of other governmental areas or other
17 regions and maybe some preservation organizations
18 that provide recommendations.

19 And for instance, for a 1,500-acre
20 development, that would limit it. If you combined
21 all three of those, you're somewhere close to a
22 hundred acres of prime agricultural lands Class 1
23 through 3. So it's still a significant chunk, but
24 it's a small percentage in that particular
25 development just to limit the use of the lands that

1 are essential for agricultural use.

2 I can certainly provide several of the
3 resources that I've looked at, but I have not seen
4 one that specifically references those percentages,
5 but there are several that provide varying degrees of
6 recommendations.

7 ALJ WILLIAMS: Okay, if you could provide
8 that, that would be helpful to the consideration.
9 Thank you for your time this morning.

10 MS. ADAMS: Thank you.

11 ALJ WILLIAMS: Our next presenter is Mike
12 Settineri.

13 MR. SCHMIDT: Mr. Settineri, you've been
14 promoted, if you can enable your audio and video.

15 MR. SETTINERI: Will do. Hopefully you
16 can hear me and see me.

17 ALJ WILLIAMS: We can do both. Good
18 morning, Mr. Settineri.

19 MR. SETTINERI: Good morning, your Honor.
20 Good morning to the Power Siting Board Staff members
21 listening this morning.

22 I am appearing today on behalf of
23 National Grid Renewables Development, LLC. National
24 Grid Renewables is developing a number of projects in
25 Ohio including projects that have been certificated.

1 My comments today are really regarding the legal
2 framework for the rule review, and I'll focus on
3 three points.

4 The first point is something that we all
5 know, is that the Board cannot exceed the statutory
6 authority given to it by the General Assembly. And
7 specifically, I want to emphasize that the rules
8 should not be used to design projects. There's no
9 statutory authority granted to the Board to design
10 unless you focus on solar projects and that's where
11 my comments are focused today.

12 Specifically, I think you should compare
13 it to 4906.20, as well as 4906.201. Those are
14 statutes which the General Assembly has given the
15 Board authority to implement setbacks for wind farms,
16 but there's nothing like that elsewhere in the rules
17 or I should say the statutes for solar.

18 Where the Board is left with this rule
19 making is 2906.03, which is its general authority to
20 require information from persons to assist in
21 hearings and investigation studies, conduct studies
22 or investigations it considers necessary and
23 appropriate to carry out responsibilities under the
24 chapter, and to adopt rules to evaluate the
25 environmental effects of proposed and alternative

1 sites, protected needs for electric power and such
2 other rules as are necessary and convenient for the
3 implementation of the chapter, including rules
4 governing application fees and other reasonable fees.

5 So I'm paraphrasing the statute, but the
6 point I want to leave the Board Staff and legal
7 department with is that as these rules are drafted,
8 keep in mind where the Board has statutory authority
9 and where it does not.

10 And specifically if there is a thought to
11 issue rules that would actually dictate how a project
12 is designed, such as setbacks, types of fencing,
13 things of that nature, that's where I believe the
14 Board does not have the statutory authority, and
15 again, I reference you back to the example of the
16 wind farm statutes I gave you where there is some
17 statutory authority granted versus the rest of the
18 chapter. That's my first point.

19 Secondly, just a reminder, as I think we
20 all know, that Ohio Revised Code Section 121.95
21 relates to agency review of rules identifying
22 restrictions. I know the Power Siting Board is a
23 division of the Public Utilities Commission,
24 something that always gets hidden sometimes if you
25 don't realize that.

1 The Board has issued a list of regulatory
2 restrictions, and under that statute and ending on
3 June 30th, 2023, a state agency like the Public
4 Utilities Commission and the Power Siting Board, may
5 not adopt a new regulatory restriction unless it
6 simultaneously removes more other existing regulatory
7 restrictions.

8 It's important to note here that the
9 state agency may not satisfy this section by merging
10 two or more existing regulatory restrictions into a
11 single surviving regulatory restriction. So I just
12 want to highlight that obviously the rule review must
13 comply with that statutory requirement as we go
14 forward.

15 And the last point I want to make from a
16 legal framework perspective is that the -- I don't
17 believe there's any statutory authority for the rules
18 to have conditions written into the rules. The Board
19 under its statute 4906.10(A) does have the authority
20 to impose conditions on certificates, but conditions
21 should be specific to the application that's been
22 presented, the site conditions, things of that
23 nature.

24 A rule should not be utilized to mandate
25 that conditions be added to applications, in other

1 words, circumventing essentially the certificate
2 condition process where the Board does have statutory
3 authority, but again, I don't believe there's
4 statutory authority to put conditions into rules.
5 And I know that does exist in other parts related to
6 wind, but for this rule review and the third prong of
7 my legal framework points, is that conditions should
8 not be written into the rules.

9 And so with that, I appreciate the
10 opportunity to provide those comments on behalf of
11 National Grid Renewables Development, and I'll answer
12 any questions you may have, your Honor.

13 ALJ WILLIAMS: Mr. Settineri, I don't
14 have any questions regarding the legal issues that
15 you frame. I would certainly encourage you to
16 continue the comment process that's forthcoming in
17 this case.

18 MR. SETTINERI: Thank you, sir.

19 ALJ WILLIAMS: Thank you. Have a good
20 day.

21 Our next presenter is Julia Johnson.

22 MR. SCHMIDT: I believe the next one on
23 the list was Gene Bryant.

24 ALJ WILLIAMS: Oh. We can do that.
25 Actually, I have -- Micah, are you still there?

1 MR. SCHMIDT: Yes.

2 ALJ WILLIAMS: There was a request to
3 have Ali Cooper present ahead of Gene Bryant. I
4 think that's probably why we're out of order here is
5 because in order to accommodate that request, I moved
6 Miss Johnson forward, so if it doesn't cause you too
7 much stress, can we do Miss Johnson now?

8 MR. SCHMIDT: Absolutely.

9 ALJ WILLIAMS: I apologize.

10 MR. SCHMIDT: Miss Johnson, you've been
11 promoted, if you could enable your audio and video.

12 ALJ WILLIAMS: Miss Johnson?

13 MS. JOHNSON: Yes.

14 ALJ WILLIAMS: Good morning. I hear you.

15 MS. JOHNSON: Good morning.

16 ALJ WILLIAMS: If you intend to be seen,
17 let us know; otherwise, you can proceed on audio
18 only.

19 MS. JOHNSON: Hold on.

20 ALJ WILLIAMS: Miss Johnson, I've got the
21 spinning wheel of death and then your audio really
22 went out when you put your video on, so if you're
23 okay with it, please turn your video off and just
24 proceed via audio.

25 MS. JOHNSON: Yes.

1 ALJ WILLIAMS: That's much better.

2 MS. JOHNSON: Is that much better? Okay.
3 I share the tenuous Internet connectivity issues as
4 some of the others. Thank you, your Honor. My name
5 is Julia Johnson. I'm from Champaign County, Union
6 Township, and I appreciate the opportunity to provide
7 input into this process today.

8 I would like to speak to the need for
9 utility-scale solar rules that are protective of the
10 community and the local ecology. Industrial scale
11 facilities are relatively new, and very little is
12 known about the impacts which could be felt 35 to 50
13 years in the future.

14 I think many expressed opinions, but
15 they're just that, they're opinions. Our only
16 alternative today is to adopt careful and
17 conservative siting rules that will safeguard an
18 unknown future. I would like to address my comments
19 to six of the Board's questions specifically.

20 The first is what additional information,
21 if any, should be included in the proposed project
22 summary. Oh, and I might add for the reporter, I
23 will be providing a written copy of my comments
24 today.

25 ALJ WILLIAMS: Thank you, Miss Johnson.

MS. JOHNSON: A cursory review of the summaries presented in utility-scale solar projects that are pending before the Power Siting Board illustrates that there is little consistency in the information provided.

The usefulness of the summary, which is intended as a reference for the public and local officials, I think could be improved by requiring at a minimum the following: The name of the developer and its headquarter's location. The name of the project is generally not meaningful where it only indicates ownership by a Limited Liability Company. This makes it difficult to evaluate the record of the developer or find information about them online.

In addition to a statement as to whether or not the applicant intends to construct the project and maintain it or whether those responsibilities will be contracted to a third party, a statement as to whether the developer will be the long-term owner of the facility would be helpful. And if the developer will not be the long-term owner-operator, what is the intention of the developer with respect to long-term ownership? I think that should be stated in the summary.

A more factual description of the

1 facility might be helpful, and this should include
 2 the proposed size of the project including estimated
 3 metrics such as the number of megawatts, the acreage
 4 required, the number of panels, the number of piles
 5 or posts which will support the panels, whether the
 6 panels will be bifacial or monofacial, whether the
 7 panels will be on a tracking system to follow the
 8 sun, whether battery storage is planned and the
 9 capacity of the battery, and if possible, the
 10 anticipated length of the gen-tie line. Factual
 11 information should be included upfront in the project
 12 summary. It can be further described later in the
 13 project description narrative as well.

14 In regard to project siting, what
 15 information should an applicant file to support its
 16 consideration of public involvement as to the
 17 site/route selection process? I think all
 18 information provided to County Commissioners and
 19 county agencies should be publicly accessible.

20 Senate Bill 52 will go far in improving
 21 public involvement since the commissioners are
 22 directly accountable to the public. I think a
 23 continuing problem with both utility wind and solar
 24 is the ability of some local landowners to comprehend
 25 the proposed lease or lease option agreement.

1 The lease agreements are real estate
2 transactions, and it would be great if they would
3 allow for a right of rescission early in the process,
4 but I realize that may be outside the scope of your
5 statutory authority.

6 Consistent with Revised Code 4906.221 and
7 222, what information should a wind or solar facility
8 applicant file regarding its decommissioning plans?
9 I believe that decommissioning plans should be
10 described in detail and should not presume that there
11 will be any scrap value.

12 Attached to my remarks today is a
13 June 18, 2021 article from the Harvard Business
14 Review that raises the prospect of early replacement
15 of panels due to efficiency gains as the technology
16 evolves. A disposal of panels, including outmoded
17 panels, if early replacement occurs should be
18 addressed in the application.

19 The Harvard Business Review notes that
20 solar panel recycling infrastructure is practically
21 nonexistent. They note that the exception to that is
22 First Solar whose recycling program only applies to
23 its own products at a global capacity of 2 million
24 panels per year. And a quote here, with the current
25 capacity, it costs an estimated 20- to \$30 to recycle

1 one panel. Sending that same panel to a landfill
2 would cost a mere \$1 to \$2, end quote.

3 Since the recycling infrastructure is
4 practically nonexistent, applicants should specify
5 what local landfills will accept the decommissioned
6 panels.

7 In addition to the panel disposal, the
8 steps that will be taken to return agricultural land
9 to productive use should be defined and funded. Some
10 soil experts believe restoration could take intensive
11 remediation over a period of years after the solar
12 panels are removed.

13 The Ohio Siting Board should consider the
14 adoption of rules which will ensure remediation. A
15 responsibility for who should oversee the remediation
16 requirement and how it should be funded should be
17 included in the decommissioning plan. So we're not
18 asking for anything new, it's that the soil
19 remediation is a part of decommissioning.

20 Next question, what information should an
21 applicant file in support of its compliance with
22 environmental and aviation regulations. Compliance
23 with environmental regulations is often the subject
24 of dispute, and the local community often lacks the
25 resources to find independent studies.

1 Sole reliance on the developer's
2 representations and studies has been an issue in
3 utility wind, and there is no reason to believe there
4 will not be disputes with utility-scale solar.
5 Independent review is needed and funding should be
6 made available for the Power Siting Board for locally
7 sponsored independent studies.

8 What information should an applicant file
9 in regard to its plant management of noxious weeds,
10 irrigation system mitigation, field drainage system
11 mitigation and storm water runoff management?

12 Applicants should file a detailed plan for site
13 management and quarterly reports should be required
14 to be filed with the Ohio Power Siting Board or its
15 designee at the county level.

16 Quarterly reports should be publicly
17 acceptable. If the applicant defaults on site
18 management commitments, the successor manager should
19 be provided for and funded. 50 years is a long time.

20 And last, the Board is considering
21 implementing a rule to address solar facilities.
22 General areas for consideration include setbacks,
23 landscape and lighting design, perimeter fencing
24 requirements and operational noise. Those
25 requirements should exist as to these issues and what

1 other issues, if any, should be considered for
2 inclusion in this rule.

3 The Board should adopt minimum required
4 setbacks for neighboring property lines. At a
5 minimum, the setbacks should ensure that noise levels
6 at the property line do not exceed five decibels
7 above current background levels.

8 It is an established fact that inverters,
9 transformers and tracking mechanisms do generate
10 noise. I have attached a report from Robert Rand of
11 Rand Acoustics which describes the noise
12 characteristics of solar facilities, and Rand
13 recommends that developers be required to use best
14 available technology to ensure the lowest noise
15 emissions.

16 A deficiency in current wind siting noise
17 regulations should be addressed in developing the
18 solar noise rules. Traditionally the developer
19 selects sample sites to measure ambient noise levels.
20 The sample sites are generally located on leaseholder
21 property.

22 These readings are then averaged across
23 the project footprint to establish a baseline noise
24 level. This method penalizes those residents who
25 live in extremely quiet areas, and it may be more

1 beneficial to take the sample noise readings at the
2 property lines of nonparticipating property owners.
3 It's recommended that the Power Siting Board
4 undertake these readings with its own independent
5 acoustical experts.

6 With respect to fencing, all fencing
7 should facilitate travel by wildlife in and out of
8 the project area and lighting should be minimal to
9 protect remaining insect population. An introduction
10 of lights into a dark rural area is a disamenity that
11 reduces the value of the nonparticipating property.
12 And that concludes my remarks.

13 ALJ WILLIAMS: Miss Johnson, thank you
14 very much. I believe your provision of the copy of
15 your written comments will help fill in a couple of
16 pieces to my notes, but I did have one question. You
17 referenced the benefit of the proposed or possible
18 solar rules to include minimum setback requirements.
19 Do you have a recommended amount of the distance of
20 those requirements?

21 MS. JOHNSON: No. No, I don't. I guess
22 my first response would be that those setbacks need
23 to be far enough to ensure that the noise levels do
24 not exceed the five decibels above background noise,
25 and I'm not sure what that is.

1 ALJ WILLIAMS: Okay. Thank you for your
2 time and your comments this morning.

3 Our next presenter is Ali Cooper.

4 MR. SCHMIDT: You've been promoted, if
5 you could enable your audio and video.

6 MS. COOPER: Good morning. Can you hear
7 me?

8 ALJ WILLIAMS: Yes. Is it Ali, I assume?

9 MS. COOPER: Yes, it is.

10 ALJ WILLIAMS: All right. Good morning,
11 Miss Cooper.

12 MS. COOPER: Good morning. Yes, so Ali
13 Cooper, I'm Director of Product Management with EDF
14 Renewables and I'm joined by my colleague Gene Bryant
15 who's our Senior Geotechnical Engineer who's
16 available for any technical questions that may arise.

17 I'm here this morning to provide comments
18 specifically related to drainage and provide context
19 on how EDF Renewables and our BOB contractors
20 approach drain tile mitigation measures on our
21 utility-scale farms located in agricultural lands.

22 So EDF has developed over 20 gigawatts of
23 renewable projects over the last 35 years and is
24 actively working on several drain tile intensive
25 sites. So I'd like to first state that we are

1 internally motivated and incentivized to address and
2 mitigate drain tile impact issues both on our own
3 sites as well as our nonparticipating neighbors'
4 parcels.

5 So we approached this by focusing on the
6 end goal which is eliminating any adverse impacts to
7 both the public and private drain tile systems and
8 allow the means and methods of achieving that goal to
9 be dictated by the unique circumstances found on each
10 project site.

11 I'm going to briefly describe the process
12 we undergo when we encounter drain tile intensive
13 sites. So we first engage with our local landowners
14 and our neighboring parcel landowners and drain tile
15 consultants for existing tile maps and the local
16 expertise that they're able to provide.

17 We then complete our own drain tile
18 mapping and exploration exercises for accurate
19 locations of all tiles. And once we have that
20 accurate mapping of the drain tile system on and
21 around the site for both public and private tile, we
22 complete a drain tile impact study to determine
23 reroutes needed for the site.

24 Our ultimate go is ensuring that proper
25 site drainage is achieved and we eliminate any

1 impacts to neighboring parcels. There's often strong
2 engagement with our local county engineers who are
3 able to review and inspect work related to our public
4 tile as it's completed.

5 From our experience at local sites, I'd
6 just like to make clear that it is extremely
7 important for us to not have rules that are too
8 prescriptive on drain tile management. This is
9 driven by the fact that it is really a site specific
10 issue on how drainage is addressed. It should not be
11 mandated through rules but rather reviewed as part of
12 the overall application process.

13 ALJ WILLIAMS: Thank you. And I guess I
14 would put to you, are you -- are there rules in
15 neighboring states or other jurisdictions that you
16 deal with that address drain tile issues as far as
17 you're aware of these issues of fresh consideration
18 in Ohio?

19 MS. COOPER: We're currently actively
20 building on a site in Iowa, a solar site there of a
21 large scale utility, and that, the drain tile related
22 rules and regulations have been dictated at the
23 county level and through our permitting process, not
24 at the state level.

25 ALJ WILLIAMS: I appreciate that

1 information. Thank you, Miss Cooper. Thank you for
2 your comments this morning, and I'll turn to your
3 colleague. Our next presenter is Gene Bryant.

4 MR. SCHMIDT: I'm unable to promote Gene
5 to the role of panelist, but I have him on his audio,
6 so we should be able to hear at least.

7 ALJ WILLIAMS: Mr. Bryant, can you hear
8 me?

9 MR. BRYANT: I can hear you. Can you
10 hear me?

11 ALJ WILLIAMS: You are loud and clear,
12 sir. We do not need an audio -- or video unless you
13 want it, so you're welcome to proceed.

14 MR. BRYANT: Sounds great. I'll go ahead
15 and proceed. Thank you everyone for the opportunity
16 to speak today. My name is Gene Bryant. I'm a
17 Senior Geotechnical Engineer with EDF Renewables. My
18 role at EDF is to support the engineering design
19 aspects for each unique project and speaking in
20 particular to utility-scale solar.

21 What I'd like to comment on specifically
22 this day is regarding drainage. I'd like to provide
23 some technical and educational background related to
24 drainage.

25 I think it's important to keep in mind

1 the purpose and function of field drainage tiles.
 2 The drainage tiles are not designed or intended to
 3 manage storm events like ditches and drainage basins
 4 are. The drainage tiles serve to manage soil
 5 saturation to promote crop growth.

6 As such, they have a significant impact
 7 on reducing the duration of ponding following
 8 precipitation events; however, they have little
 9 effect on significant storm water runoff during storm
 10 events. So reducing the soil saturation to promote
 11 crop growth is not a critical function for the
 12 developed conditions of a utility-scale solar site.

13 So to distinguish between utility scale
 14 solar drainage versus crop production drainage, the
 15 solar rays have pile post foundations with
 16 significant separation between rows that are
 17 underladen by managed turf grasses, the pollinated
 18 friendly vegetation, and overall this results in
 19 virtually no additional impervious area below the
 20 solar panels.

21 This vegetation provides for year-round
 22 coverage and overall water -- improved water holding
 23 capacity of near surface soils. And we could
 24 distinguish that this vegetation and grass is not
 25 sensitive to the duration of soil saturation when

1 compared to crops.

2 Although with a utility-scale solar
3 project, there are some roads and inverters; however,
4 the drainage effects of this additional what would be
5 considered impervious area is handled by civil storm
6 water design which is a separate consideration than
7 field drainage and drain tiles.

8 Also related to drainage tile I guess
9 would be to distinguish some of the functional parts
10 of an overall system. So we have the main which may
11 be public or may be private, are primarily designed
12 to move water from laterals.

13 And maintenance of mains that are public
14 or private that provide drainage for neighboring
15 properties, they're already provided for in design
16 and their obligation is really to that. Specific to
17 the laterals or pattern tile, their function is to
18 promote that soil drainage and increase infiltration
19 and then to tie into the mains.

20 So in summary, I agree with Ali that site
21 drainage should be addressed as a site specific issue
22 on a project by project basis. There really isn't a
23 one size that fits all solution during the post
24 rules.

25 ALJ WILLIAMS: Mr. Bryant, I do thank you

1 for your comments. I confess that I was pleased to
2 follow the details of your engineering analysis, and
3 I appreciate your keeping it at my level, so with
4 that, I would encourage you to have a good day, sir.
5 Thank you.

6 MR. BRYANT: Thank you. I appreciate it.

7 ALJ WILLIAMS: You as well.

8 I will note now that in addition to the
9 list that we read at the outset of today's
10 proceeding, we have two additional presenters. These
11 are individuals who had contacted Board staff at the
12 outset of today's event and advised they attempted to
13 register and there was some technical issue regarding
14 their registration, so we will permit their comments
15 here today as additional commenters. The first of
16 those two is Mark Crow.

17 MR. CROW: Thank you, Cindy.

18 ALJ WILLIAMS: Good morning, Mr. Crow.

19 MR. CROW: Can you hear me, Michael?

20 ALJ WILLIAMS: I can.

21 MR. CROW: I apologize. We're still
22 having technical difficulties. Michael and Cindy, I
23 sincerely appreciate the opportunity to make a
24 presentation to you guys today.

25 ALJ WILLIAMS: Mr. Crow, what part of the

1 state are you calling in from, sir?

2 MR. CROW: I apologize, my name is Mark
3 Crow. I'm calling from Hillsboro, Ohio where I have
4 a financial business downtown Hillsboro, as well as
5 we own 700 acres of farmland and grow soybeans and
6 sell pork breeding stock.

7 ALJ WILLIAMS: All right. Thank you,
8 sir.

9 MR. CROW: All right. I'm also a
10 landowner and a solar project currently which is
11 grandfathered in, but I feel so passionately about
12 this solar stuff I wanted the opportunity to go
13 through my presentation with you guys.

14 I want to say you guys are receiving an
15 overwhelming amount of information that you're trying
16 to absorb that's complex, technical, legal. Here's
17 what I can say as the CEO of Crow Financial, I
18 appreciate your stamina.

19 So what I'm going to try to do today is
20 paint a big picture and kind of not to make light of
21 anything that's been said previously, I believe in
22 solar panels, but I also believe it should be done
23 right. But I'll say this, competition -- all the
24 stuff that's been said today, competition pretty much
25 takes care of most of that. So if you only had one

1 solar company, a lot of that would be issues, but
2 since there's competition, most of that is solved in
3 that regard in my opinion.

4 The other thing I want to say is if you
5 check out the Senate websites, State of Ohio website,
6 Ohio is ranked third as far as regulation in the
7 nation behind New York and California only. So as a
8 businessman, I believe in a big picture our goal
9 should be to reduce regulations, not to enter into
10 these regulations.

11 There's a significant amount of tax
12 revenue associated with these solar projects, and I
13 said in the past it's very hard to find new revenues
14 for like small schools, small local governments and
15 rural communities. The reality is it's next to
16 impossible.

17 I'm holding a newspaper up, of course you
18 can't see it, a local school that I coached
19 basketball for for many, many years, they came to the
20 local people, local farmers, local business people,
21 "We need money for a scoreboard, we need money to
22 redo the gym floor" which we provided, but we could
23 never do anything in a big, big way to help support
24 the school.

25 The front page of the Hillsboro newspaper

1 dated September 2nd of this year, the school
2 purchased 17 acres near the high school to build a
3 state-of-the-art track and soccer facility. Now,
4 this particular school my son was a track star years
5 ago, broke records, went to state. We didn't even
6 have a track; we ran around the baseball field.

7 But this opportunity is an opportunity of
8 a lifetime for these local rural communities. There
9 won't be anything to come to replace it. When I
10 testified at the Senate, I challenged them that what
11 can you guys do to replace this? You can't raise
12 enough taxes to replace it. You can't legislate. So
13 this is, I believe, our once in a lifetime
14 opportunity to change these rural communities in a
15 good way for a long, long period of time.

16 When you're looking at the solar farms,
17 it's like the CRP, Conservation Reserve Program,
18 you're setting aside the ground temporarily and you
19 could just pull back out. It still stays in my
20 family, I get the farmland back, and it's productive
21 again.

22 But also the solar farms, one lady on
23 here testified about the agricultural strength of
24 Ohio, the ag dollars, that's correct, 100 percent
25 correct. Most farmers are like two bad weather years

1 away from going bust. Two bad weather years in a row
2 and they will go broke; whereas, this provides us an
3 opportunity to put in part of our farm, consistent
4 income. Regardless of whether a storm comes along,
5 we will survive. We will survive. The changes made
6 on SB 52 I think were good, right. I don't think we
7 need anything else. I'm trying to make this less
8 complex for you guys.

9 Now, just this morning, Tesla announced
10 they're leaving California and going to Texas. Texas
11 is a more tax friendly state. Texas is a more
12 manufacturing friendly state. So what's going to
13 happen in California? Now they're going to have to
14 raise more taxes on the people working there to make
15 up for the Tesla. Then the people are going to leave
16 because they can't afford the taxes and you create
17 this vicious cycle.

18 The debate to stop progress has been
19 going on since the beginning of time. Go back as far
20 as the blacksmiths against the auto industry. You
21 can talk about State Route 32 in Ohio, when that went
22 through, I'm old enough to remember when that went
23 through. All the farmers were up in arms, they're
24 cutting our farm fields in two, this shouldn't
25 happen, they was all against it, but now they're the

1 same ones that hop on 32 and shoot to the Eastgate
2 Mall for Christmastime.

3 Close to my farm is a gravel pit. I
4 didn't want no gravel pit. Nobody came and asked me.
5 I didn't get to debate it; it just came in. Didn't
6 like it, but that's their business, that's their
7 land. They did it. Now when I need gravel, I just
8 drive down the street and get the gravel from them.

9 It takes years on these solar projects to
10 get this done, an enormous amount of public input.
11 Dozens of studies have already been done, reports of
12 technical experts, and that's a good thing. That's
13 what we want. Like I said, I want it done right. We
14 all want it done right.

15 But what we don't want to do in my humble
16 opinion is run the solar people out of Ohio. If you
17 run them out of Ohio, they're just going to go
18 someplace else and some other rural communities will
19 benefit.

20 The school that I just told you about
21 that's building the track and the soccer facilities,
22 it wasn't that many years ago there was talk of
23 closing that whole school system down. Of course the
24 community was all upset and that. This is their
25 savior, this is their savior, and it snowballs

1 throughout the community, all the community benefits.

2 For example, AEP just came out recently,
3 wanted to put new power lines across our farms out in
4 this area. None of the farmers wanted these big
5 electric poles. They usually erect big metal poles
6 really tall because of the fires of the utility
7 company out in California. They've got -- Eventually
8 you get all wood poles, they've got to move the wires
9 higher.

10 None of the farmers wanted it. Of course
11 we all relented, the poles are up, the power is there
12 and now the people that move in down the street and
13 down the next county, they'll have plenty of power
14 for their homes without even knowing the sacrifice
15 that we made to create that.

16 So I'm going to make it real simple and
17 make it light. What's the moral of the story?
18 Here's what you guys are up against, it's real
19 simple, the blacksmiths and the old west rebelled
20 against the auto industry. The blacksmith and
21 Tombstone ran the auto industry out of Tombstone.

22 The auto industry went to Dodge City;
23 Dodge City boomed. A lot of the business owners from
24 Tombstone moved to Dodge City. The blacksmith in
25 Tombstone went out of business because nobody could

1 afford a blacksmith anymore.

2 What did the blacksmith in Tombstone do?
3 Moved to Dodge City, opened up a bar and retired
4 happily ever after. So basically that's what you're
5 looking at. Yes, you've got to work through the
6 details, God loves you guys for doing it, but the
7 bottom line is I think this is a gift from heaven for
8 the State of Ohio, and I think we should embrace it
9 as best as we can. I'll take questions.

10 ALJ WILLIAMS: Mr. Crow, I don't have any
11 questions. I do appreciate your comments in favor of
12 status quo as the Board continues to advance relative
13 to the consideration of its rules. Thank you very
14 much.

15 MR. CROW: Thank you so much.

16 ALJ WILLIAMS: Our last presenter this
17 morning is Scott Higgins.

18 MR. SCHMIDT: Mr. Higgins, you've been
19 promoted, if you can enable your audio and video.

20 MR. HIGGINS: Thank you very much. I
21 appreciate the opportunity to address the group.
22 Thank you, your Honor. I will be submitting my
23 comments as soon as I am finished.

24 Let me introduce myself. I'm Scott
25 Higgins. I'm the CEO for the Ohio Dairy Producers

1 Association. I really appreciate the opportunity to
2 participate in your workshop today.

3 By way of background, the Ohio Dairy
4 Producers Association is a grassroots, legislative
5 research and producer education organization
6 representing dairy farmers throughout Ohio regardless
7 of farm size, breed or production strategy, marketing
8 preference or political affiliation. We are their
9 advocacy organization.

10 In Ohio, we have 252,000 cows that live
11 on 1,600 farms and produce over 630 million gallons
12 of milk annually. It's valued at about a billion
13 dollars and dairy farmers create an impact in Ohio in
14 excess of 4 billion.

15 Ohio is 11th in the dairy industry in the
16 United States in terms of milk production. We're
17 fifth in the processing and receiving plants
18 throughout the state and we contribute -- the dairy
19 industry contributes a \$23.8 billion economy
20 representing over 115,000 jobs for Ohioans. As a
21 matter of fact, this is a fun fact, Ohio is the
22 number one Swiss cheese and sour cream production
23 facility -- or manufacturer in the United States.

24 Now, agriculture, as has been said
25 earlier, agriculture is the state's number one

1 industry contributing nearly \$124 billion annually.
 2 And over 40 percent of that comes from the sales from
 3 livestock and poultry facilities. Some of the
 4 economic contributions are from individual industries
 5 in Ohio, so just to point those out. We have a
 6 number of member farmers who are participating in
 7 utility-scale solar projects, and many who have been
 8 working and training on these projects for years.

9 The Ohio Dairy Producers Association
 10 participated in the Senate Bill 52 hearings and
 11 stakeholder discussions. And while we remained
 12 opposed to Senate Bill 52, along with numerous
 13 agricultural organizations representing farmers, the
 14 legislature had an abundant amount of public
 15 discussion and deliberation and chose not to deal
 16 with issues such as setbacks.

17 If the legislator did not consider this,
 18 then the PUCO should not either. We believe that
 19 farmers and landowners should have the greatest
 20 flexibility to manage their land. Each project is
 21 unique and should be treated as such.

22 A farmer's property and farming assets
 23 are a critical part of their financial stability,
 24 retirement and estate planning. PUCO should not
 25 overstep its authority and take actions that take

1 those rights away which would prohibit farmers from
2 participating in the ever growing clean energy
3 generation system.

4 Thank you for your opportunity to be with
5 you today and for allowing me to share my perspective
6 on behalf of our farmer landowners.

7 ALJ WILLIAMS: Mr. Higgins, thank you for
8 your comments again that appear to be in support of
9 status quo relative to the analysis consideration of
10 the modifications. Have a great day.

11 Micah, I'll just do a quick check with
12 you before I close. Anything else I need to know in
13 terms of your hosting?

14 MR. SCHMIDT: Not from my end. I believe
15 we are through the list.

16 ALJ WILLIAMS: Thank you, and thank you
17 for your support today. So in closing, I want to
18 emphasize that the Board does appreciate all those
19 who took the time to present in our workshop today.
20 The Board's consideration of these rules is a large
21 undertaking and impacts many stakeholders. The Board
22 values the input that it receives in this pursuit.

23 Now, as for next steps, I want to remind
24 that the Board will open this case for further formal
25 comments pursuant to an upcoming entry. Please

1 continue to follow the docket, Case No. 21-902-GE-BRO
 2 in this case as to that comment period, as the Board
 3 encourages the public to participate further in this
 4 rule consideration process through the formal
 5 comments in this case. With that, this concludes
 6 today's workshop and we are adjourned. Thank you
 7 everyone. Off the record.

8 (The public hearing was concluded at
 9 11:54 a.m.)

10 - - -

CERTIFICATE

I do hereby certify that the foregoing is
a true and correct transcript of the proceedings
taken by me in this matter on Friday, October 8,
2021, and carefully compared with my original
stenographic notes.

Cynthia L. Cunningham

- - -

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

Summary: Transcript October 8th 2021 In the Matter of the Ohio Power Siting Board's Review of Ohio Administrative 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 Cunningham, Cindy