

**BEFORE  
THE OHIO POWER SITING BOARD**

In the Matter of the Application of  
Dodson Creek Solar, LLC for a  
Certificate of Environmental  
Compatibility and Public Need.

Case No. 20-1814-EL-BGN

**PREFILED TESTIMONY  
OF**

**Mark Bellamy**

**ON BEHALF OF THE STAFF OF THE  
PUBLIC UTILITIES COMMISSION OF OHIO  
POWER SITING DEPARTMENT**

**STAFF EX. \_\_\_\_**

**April 15, 2022**

1 1. Q. Please state your name and your business address.

2 A. My name is Mark C. Bellamy. My business address is 180 East Broad  
3 Street, Columbus, Ohio 43215.  
4

5 2. Q. By whom are you employed and what is your position?

6 A. I am employed by the Public Utilities Commission of Ohio (PUCO) as a  
7 Utility Specialist in the Facility Review and Compliance Division of the  
8 Power Siting Department.  
9

10 3. Q. Please summarize your educational background.

11 A. My education includes earning a Bachelor of Science in Education degree  
12 in Chemistry from Arkansas State University.  
13

14 4. Q. Please summarize your work experience.

15 A. Prior to my employment with the PUCO, I served six years in the U.S.  
16 Navy as a Machinist's Mate on a submarine. I operated and maintained  
17 atmosphere control equipment, as well as performed duties as a quality  
18 assurance inspector. After the Navy, I was employed as a high school  
19 science teacher. I joined the staff of the PUCO in 2009. My duties include  
20 review and analysis of power siting cases.  
21

1 5. Q. Have you testified in prior proceedings before the Ohio Power Siting Board  
2 (Board)?

3 A. Yes. I have testified in numerous proceedings before the Board.  
4

5 6. Q. What is the purpose of your testimony in this proceeding?

6 A. I am sponsoring a portion of the Staff Report of Investigation (Staff Report)  
7 that was filed in the docket of this case on October 22, 2021. Specifically, I  
8 am sponsoring the Staff Report subsections titled “Cultural resources,”  
9 “Noise”, and “Air, water and solid waste.”  
10

11 7. Q. Are you sponsoring any conditions in the Staff Report and in the Joint  
12 Stipulation and Recommendation? If so, which ones?

13 A. Yes. I am sponsoring Staff Report conditions 17, 28, 29, 30, 31 and 32 and  
14 Stipulation conditions 17, 28, 29, 30, and 31.  
15

16 8. Q. Why is Staff recommending condition 17?

17 A. In response to community concerns about the aesthetics of the project, Staff  
18 is requiring a fence that fits in better in a rural environment. Staff also  
19 requires the fence allow the passage of small wildlife.  
20

21 9. Q. Is condition 17 as modified by the Stipulation filed on April 6, 2022  
22 acceptable to Staff?

1 A. Yes, the modifications are acceptable to staff.

2  
3 10. Q. Why is Staff recommending condition 28?

4 A. While Staff acknowledges that some construction noise impacts are  
5 inevitable, Staff recommends that most construction activities that can  
6 result in noise impacts to the public be limited to hours when the majority  
7 of people in the vicinity of the project are awake. Impact pile driving, and  
8 hoe ram operations, which are very loud construction activities, would be  
9 limited to shorter windows of daytime hours than that allowed for general  
10 construction activities.

11  
12 11. Q. Is condition 28 as modified by the Stipulation filed on April 6, 2022  
13 acceptable to Staff?

14 A. Yes, the modifications are acceptable to staff.

15  
16 12. Q. Why is Staff recommending condition 29?

17 A. The sound report in the application modeled operational noise impacts  
18 using sound data from representative inverters and substation transformers.  
19 Condition 29 requires the Applicant show that the chosen inverters and  
20 substation transformers for the project will not exceed the daytime ambient  
21 level plus five dBA at any non-participating sensitive receptor.

1 13. Q. Is condition 29 as modified by the Stipulation filed on April 6, 2022  
2 acceptable to Staff?

3 A. Yes, the modifications are acceptable to staff.  
4

5 14. Q. Why is Staff recommending conditions 30 and 31?

6 A. Agricultural crop fields make up most of the project and adjacent areas.  
7 Functioning drain tiles are important to the continued operation of the  
8 agricultural crop fields. Staff recommends through conditions 30 and 31  
9 that the applicant thoroughly investigate the presence and location of drain  
10 tiles, avoid drain tiles when possible and repair any drain tiles that are  
11 damaged unless the landowner prefers the drain tile not be repaired and  
12 only if the non-repair does not affect nearby landowners.  
13

14 15. Q. Are conditions 30 and 31 as modified by the Stipulation filed on April 6,  
15 2022 acceptable to Staff?

16 A. Yes, modifications to Staff Report conditions 30 and 31 have been  
17 consolidated into Stipulation condition 30. The modifications are  
18 acceptable to staff.  
19

20 16. Q. Why is Staff recommending condition 32?

21 A. The Applicant's cultural resources consultant identified and recommended  
22 for avoidance one archaeological site and one former railroad depot site

recommended for avoidance. The consultant also identified one historic structure that is recommended for mitigation. The Ohio Historic Preservation Office concurred with these recommendations. Condition 32 requires the Applicant to develop a memorandum of understanding (MOU) to detail how the resources would be avoided and mitigated for.

17. Q. Is condition 32 as modified by the Stipulation filed on April 6, 2022 acceptable to Staff?

A. Yes, modifications to Staff Report condition 32 are represented in Stipulation condition 31. The modifications are acceptable to staff.

18. Q. Does this conclude your testimony?

A. Yes, it does. However, I reserve the right to submit supplemental testimony, as new information subsequently becomes available or in response to positions taken by other parties.

## PROOF OF SERVICE

I hereby certify that a true copy of the foregoing **Prefiled Testimony of Mark Bellamy**, submitted on behalf of the Staff of the Public Utilities Commission of Ohio, Power Siting Department, was served via electronic mail, upon the following parties of record, this 15<sup>th</sup> day of April 2022.

/s/ Jodi Bair

**Jodi Bair**

Assistant Attorney General

### Parties of Record:

**Michael J. Settineri**

Counsel of Record

**Anna Sanyal**

Vorys, Sater, Seymour and Pease LLP

52 East Gay Street

Columbus, OH 43215

614.464.5462 (telephone)

614.719.5146 (fax)

[mjsettineri@vorys.com](mailto:mjsettineri@vorys.com)

[aasanyal@vorys.com](mailto:aasanyal@vorys.com)

*Counsel for Dodson Creek Solar, LLC*

**Chad A. Endsley**

Chief Legal Counsel

**Leah F. Curtis**

**Amy M. Milam**

Ohio Farm Bureau Federation

280 North High Street

P.O. Box 182383

Columbus, OH 43218-2383

614.246.8258 (telephone)

614.246.8658 (fax)

[cendsley@ofbf.org](mailto:cendsley@ofbf.org)

**Jack A. Van Kley**

Van Kley & Walker, LLC

132 Northwoods Blvd., Ste C-1

Columbus, OH 43235

614.431.8900 (telephone)

614.431.8905 (fax)

[jvankley@vankleywalker.com](mailto:jvankley@vankleywalker.com)

*Counsel for Robert and Laurie Banks*

**Anneka P. Collins**

Highland County Prosecutor

112 Governor Foraker Place

Hillsboro, OH 45133

937.393.1851 (telephone)

937.393.6501 (fax)

[acollins@hcprosecutor.org](mailto:acollins@hcprosecutor.org)

*Counsel for Dodson and Hamer  
Townships, Highland County, Ohio*

[lcurtis@ofbf.org](mailto:lcurtis@ofbf.org)  
[amilam@ofbf.org](mailto:amilam@ofbf.org)

*Counsel for Ohio Farm Bureau Federation*

**Administrative Law Judge:**

**David Hicks** [david.hicks@puco.ohio.gov](mailto:david.hicks@puco.ohio.gov)  
**Jay Agranoff** [jay.agranoff@puco.ohio.gov](mailto:jay.agranoff@puco.ohio.gov)



**This foregoing document was electronically filed with the Public Utilities  
Commission of Ohio Docketing Information System on**

**4/15/2022 12:31:46 PM**

**in**

**Case No(s). 20-1814-EL-BGN**

Summary: Testimony of Mark Bellamy electronically filed by Mrs. Tonneta Y. Scott  
on behalf of OPSB