

**BEFORE
THE OHIO POWER SITING BOARD**

**In the Matter of the Application of Birch :
Solar 1, LLC for a Certificate of : Case No. 20-1605-EL-BGN
Environmental Compatibility and Public :
Need :**

**PREFILED TESTIMONY
OF**

James S. O'Dell

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

STAFF EX. ____

May 11, 2022

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

2 A. My name is James S. O'Dell, and my business address is 180 East Broad
3 Street, Columbus OH 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 (Commission) as
7 a senior Siting Specialist in the Power Siting Department.

8
9 3. Q. Please summarize your educational background and work experience.

10 A. I hold bachelor's degrees from The Ohio State University in Political Science
11 (1988) and Sociology (1997). Additionally, I received a master's degree in
12 City and Regional Planning from The Ohio State University in 1992. I also
13 have significant course work completed towards a master's degree in Public
14 Policy from Central Michigan University.

15
16 I have been employed by the Commission since 1991. I have worked
17 almost exclusively on power siting activities during that time. I have
18 developed analysis for over 550 cases before the Ohio Power Siting Board
19 (Board). My responsibilities typically include application review and the
20 preparation of analysis for major utility facilities and economically
21 significant wind farms in Ohio. Additionally, I process and review Letters
22 of Notification and Construction Notices. In the past, I also have been the

1 primary author for the Board's annual reports. I have been the lead analyst
2 in excess of 55 standard applications, responsible for the preparation of
3 staff reports and coordination of Staff review and field work for major
4 utility facilities and economically significant wind farms.

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

7 A. I served as the overall Staff Project Lead for the investigation that resulted
8 in the Staff Report of Investigation (Staff Report) that was filed October 20,
9 2021, in this docket. I managed the Staff investigation and preparation of
10 the Staff Report in this case.

11
12 5. Q. What kind of case is this?

13 A. The Applicant proposes to construct, own, and operate a 300 MW solar-
14 powered generating facility located in Shawnee Township, Allen County
15 and Logan township, Auglaize County.

16
17 6. Q. Please summarize Staff's investigation that was conducted in this case.

18 A. Staff's investigation included reviewing the application, conducting site
19 visits to the proposed facility location, acquiring additional information
20 from the Applicant, obtaining input from state agencies that compose the
21 Board along with other relevant state and federal agencies, preparing a Staff
22 Report of Investigation that presents Staff's analysis, conclusions, and

1 recommendations. Subsequent to the Staff Report, Staff continued its
2 investigation based on additional filings in relation to this project.

3 As a result of Staff's investigation, Staff recommends that the Board deny
4 the application. However, should the Board choose to issue a certificate for
5 the proposed facility, Staff recommends that 44 conditions become part of
6 such certificate, as detailed in the Staff Report of Investigation.

7
8 7. Q. What impacts did Staff review for the project in arriving at this conclusion?

9 A. Staff reviewed various types of land use impacts including residential,
10 recreational, institutional, ecological, cultural resources, transportation,
11 agricultural, and overall geological suitability. Staff also reviewed the
12 financial, noise, safety, and aesthetic impacts of the project. Finally, Staff
13 evaluated the Applicant's facility decommissioning plans.

14
15 8. Q. Are you sponsoring any general conditions in the Staff report?

16 A. I am sponsoring conditions not specifically addressed by other staff
17 witnesses, including conditions 1, 2, 3, 8, 9, 10, and 11.

18 9. Q. Are you sponsoring any specific conditions in the Staff Report? If so,
19 which one(s)?

20 A. Yes. I am sponsoring Condition 16, Condition 32 and Condition 33.

21
22 10. Q. Why is Staff recommending Condition 16?

1 A. This condition is needed to ensure the minimization of potential adverse
2 impacts on the existing viewshed and nearby sensitive visual resources.

3 Q. Why is Staff recommending Condition 32 and Condition 33?

4 A. To ensure that potential adverse effects to cultural resources are avoided,
5 minimized or mitigated.

6 Q. What was the basis for Staff's recommendation that the Board deny the
7 Applicant's request for a certificate of environmental compatibility and
8 public need?

9 A. Staff originally recommended denial of the application in its staff report
10 due to a failure of the Applicant to establish the nature of the project's
11 probable impact (and minimization thereof) on cultural resources and the
12 location of abandoned oil and gas wells. The Applicant has subsequently
13 rectified these issues to Staff's satisfaction by filing sufficient information
14 and analysis in the docket. However, as noted in the staff report, Staff is
15 still concerned about the Applicant's inability to establish one of the eight
16 statutory criteria. It is Staff's finding that the Applicant has failed to
17 establish whether the facility would serve the public interest, convenience,
18 and necessity as required under R.C. 4906.10(A)(6). Several local
19 governmental bodies have filed letters in this case and/or filed to intervene
20 in this proceeding, including Shawnee Township, Allen County, Ohio; the
21 Board of County Commissioners of Auglaize County, Ohio; and The Board
22 of Township Trustees of Logan Township, Auglaize County, Ohio. On

1 May 10, 2022, in a letter to the Board the Allen County Commissioners
2 wrote that “if it were not for the grandfather provisions of SB 52, the Birch
3 Solar 1 project would not be eligible for consideration, as it is located in an
4 area that is now restricted for the development of such facilities.” Also on
5 May 10, 2022, Shawnee Township Chairman Clark A. Spieles summarizes
6 in opposition, “Projects of this size are not suitable for areas abutting
7 residential properties in any jurisdiction.”

8 Staff notes that these governmental bodies are local elected officials
9 charged with representing and serving their respective communities. Many
10 of these entities have responsibility for preserving the health, safety, and
11 welfare within their respective communities. Therefore, their interest in
12 and, in this case strong opposition to, the project is especially compelling.

13 While some local opposition is common in many siting projects,
14 considering the above opposition filed in the docket and expressed at local
15 public meetings, Staff recognizes that in this proceeding it has been
16 especially prominent, one sided, and compelling. Staff believes that the
17 public opposition will create negative impacts on the local community.

18 Board Staff believes that any benefits to the local community are
19 outweighed by this overwhelming public opposition and, therefore, the
20 project would not serve the public interest, convenience, and necessity.

21

22

1 11. Q. Does this conclude your testimony?

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

PROOF OF SERVICE

I hereby certify that a true copy of the foregoing Prefiled Testimony of James S. O'Dell, 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 11th day of May 2022.

/s/ Jodi J. Bair

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Summary: Testimony of James S. O'Dell electronically filed by Mrs. Tonnetta Y.
Scott on behalf of OPSB