

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of **Wild Grains**)
Solar, LLC for a Certificate of Environmental)
Compatibility and Public Need for a Solar Facility)
Located in Van Wert County, Ohio.)
Case No. 21-0823-EL-BGN

SUPPLEMENTAL DIRECT TESTIMONY OF

JEFF REINKEMEYER

on behalf of

Wild Grains Solar, LLC

May 24, 2022

Q-1. On whose behalf are you offering this supplemental testimony?

A-1. I am offering this supplemental testimony on behalf of the Applicant, Wild Grains Solar, LLC (“Wild Grains”).

Q-2. What is the purpose of your testimony?

A-2. I will sponsor the admission of the Joint Stipulation and Recommendation (“Stipulation”) into evidence in this case, along with the Applicant’s exhibits listed in the Stipulation, which include the Application and all exhibits thereto, the Applicant’s responses to data requests from the Ohio Power Siting Board’s (“Board”) Staff, certificates of service, proofs of publication, correspondence, and prefiled testimony. This testimony will explain the background of the Stipulation and why I believe it should be adopted by the Board. In addition, my testimony will confirm that the Stipulation complies with the Board’s three-part test for evaluating stipulations.

Q-3. Have you reviewed the Stipulation?

A-3. Yes.

Q-4. Why do you believe the Board should approve the Stipulation?

A-4. The Stipulation meets the criteria for Board approval of stipulations. The parties to this case are the Ohio Power Siting Board Staff (“Staff”), Wild Grains, and single intervenor, the Ohio Farm Bureau Federation (“OFBF”). The parties have agreed to Staff’s initial recommended conditions, with minor changes, as set forth in the Stipulation and summarized below:

- (1) Condition 17: An addition was made to allow Wild Grains to present to OPSB Staff an option for utilizing the buffer areas around the project for growing crops as part of its landscape and lighting plan. The change was made based on

1 feedback from local government officials, including all three township trustees,
2 and neighbors. The feedback from these stakeholders was that the utilization of
3 the buffer areas—some of which are areas over 400 ft. wide—for crops would
4 help maintain the character of the area and keep farmland in production. This
5 approach may also be beneficial to the tenant farmer and allow that farmer to
6 continue farming at least part of the land in the project area. I note that this
7 condition change only provides the option for Wild Grains to present this
8 agricultural use as part of its landscape and lighting plan. Any such plan will be
9 subject to review and approval by Staff prior to construction.

10 (2) Condition 21: The substantive modification to this condition adds to the
11 requirement that Wild Grains may elect to not repair damaged drain tile only if
12 the damaged field tile does not route directly onto or into an adjacent parcel.
13 This substantive change was recommended by the OFBF, based on its
14 experience and expertise in drain tile issues. The Stipulation also corrects a
15 typographical error in the condition.

16 (3) Condition 26: An addition was made to this condition to fix a non-substantive
17 typographical error in the condition.

18 (4) Condition 29: An addition was made to clarify that Wild Grains' obligation to
19 prevent the establishment and/or propagation of noxious weeds identified in
20 Ohio Adm. Code Chapter 901:5-37 shall apply to all phases of the project,
21 including construction, operation, and decommissioning. Another modification
22 clarifies that the Applicant shall follow all applicable state laws regarding
23 noxious weeds. These changes initially recommended by the OFBF, based on

1 its expertise on noxious weed management and the importance of this issue to
2 rural areas.

3 The Stipulation presented in this case represents the product of serious discussions between
4 the parties. Because there was general agreement with the Staff Report, it was possible to
5 reach agreement through several telephone and email correspondence among Staff, Wild
6 Grains, and the OFBF and their respective attorneys.

7 Additionally, the Stipulation represents a reasonable compromise that balances competing
8 positions; therefore, it does not necessarily reflect the position that either one of the parties
9 would have taken if these issues had been fully litigated. A good example of this is
10 highlighted in the recommendations for changes to Conditions 17 and 18 in my Direct
11 Testimony. In response, OPSB Staff project lead, Mark Bellamy, communicated
12 disagreement with some of these proposed changes. These litigation positions differ from
13 what the parties are proposing in the Stipulation.

14 Finally, the parties believe that all of the provisions in the Stipulation are in harmony with
15 regulatory principles and practice, including consistency with the Board's conditions in
16 previous solar project development proceedings. The Staff and OFBF are highly
17 experienced in the review and analysis of solar project applications, and the proposed
18 condition modifications reflect this expertise and the application of best practices. For
19 example, as a result of feedback from OFBF, the conditions have been enhanced to better
20 protect the rural area.

1 **Q-5. Does the Stipulation include additional conditions that were not contained in the Staff**
2 **Report?**

3 **A-5.** No, the Stipulation only includes revisions of conditions that were already in the Staff
4 Report.

5 **Q-6. In your opinion, does the Joint Stipulation benefit the public interest?**

6 **A-6.** Yes. In my opinion, the Stipulation provides for clarity and some additional commitments
7 from Wild Grains to protect surround rural areas, as reflected by the changes concerning
8 drain tile system protect and noxious weed management. In addition, the Stipulation serves
9 the public interest by incorporating a condition change that reflects direct feedback from
10 local government officials and neighbors concerning the use of agricultural buffer areas.
11 In sum, all of the substantive modifications proposed in the Stipulation are for the
12 betterment of the surrounding rural community. The construction and operation of a solar
13 project that is compatible with the surrounding rural community is in the public interest.
14 The parties believe that all of the provisions in the Stipulation are in harmony with
15 regulatory principles and practice. More broadly the Stipulation ensures that the Project
16 will represent the minimum adverse environmental impact for both construction and
17 operation, considering the state of available technology, and the nature and economics of
18 the various alternatives, as well as other pertinent considerations.

19 The Project will help meet Ohio's demand for in-state carbon free energy resources. The
20 Project will generate electricity using virtually no fuels or water and with effectively zero
21 air emissions and waste generation. This Project is intended to fill the need for a more
22 diverse national energy portfolio that will include a higher percentage of energy generated
23 through use of renewable resources. Public interest will also be met through the positive

1 economic impact the Project will have on the local economy through construction spending
2 and jobs, and an annual service payment in lieu of taxes.

3 **Q-7. Do you have any further comments?**

4 **A-7.** It is my understanding that although a stipulation is not binding upon the Board, there is
5 court precedent that the terms of a stipulation such as is presented here should be accorded
6 substantial weight especially when it is unopposed, signed by all the parties, and resolves
7 all the issues in the proceeding. It is for all these reasons that I urge the Board to approve
8 the Stipulation.

9 **Q-8. Does this conclude your supplemental direct testimony?**

10 **A-8.** Yes, it does. However, I reserve the right to offer additional supplemental testimony if
11 necessary.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Supplement Direct Testimony of Jeff Reinkemeyer was served via electronic mail upon the parties of record listed below this 24th day of May 2022:



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Summary: Text Supplemental Direct Testimony of Jeff Reinkemeyer electronically
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