

**BEFORE  
THE OHIO POWER SITING BOARD**

In the Matter of the Application of **South Branch Solar, LLC** for a Certificate of Environmental Compatibility and Public Need for a Solar Facility Located in Hancock County, Ohio. )  
Case No. 21-0669-EL-BGN )

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**MOTION OF SOUTH BRANCH, LLC  
TO STRIKE DIRECT TESTIMONY OF TRAVIS BOHN AND *IN LIMINE*  
TO EXCLUDE RELATED HEARING TESTIMONY**

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Pursuant to Ohio Administrative Code (“OAC”) 4906-2-27, Applicant South Branch, LLC (“Applicant”) moves to strike portions of the pre-filed direct testimony of Travis Bohn filed on May 25, 2022 in this docket. The Applicant also seeks an order *in limine* prohibiting testimony regarding Mr. Bohn’s testimony at the evidentiary hearing in this matter. The reasons supporting the motion to strike and motion *in limine* are set forth in the attached memorandum.

Respectfully submitted on behalf of  
SOUTH BRANCH SOLAR, LLC



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**BEFORE  
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In the Matter of the Application of <b>South</b> )	
<b>Branch Solar, LLC</b> for a Certificate of )	
Environmental Compatibility and Public )	Case No. 21-0669-EL-BGN
Need for a Solar Facility Located in Hancock )	
County, Ohio. )	

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**MEMORANDUM IN SUPPORT**

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**I. INTRODUCTION**

Intervenor Travis Bohn filed direct testimony of himself on May 25, 2022, prior to the evidentiary hearing scheduled to begin on June 1, 2022. Mr. Bohn is not being offered as an expert witness, but nonetheless offers testimony far outside the proper scope of lay testimony.

Applicant requests that the Ohio Power Siting Board (“Board”) prohibit Mr. Bohn from testifying at the hearing as to matters outside of his personal experience and knowledge.

**II. LAW AND ARGUMENT**

**A. The Standard for Expert Opinion Testimony**

The Board is empowered by statute to establish its own rules of procedure to govern its administrative proceedings. R.C. 4901.13. Pursuant to that authority, the Board has promulgated OAC Rule 4906-2-09(B)(7), which requires expert and factual testimony to be pre-filed with the Board, in writing, and served upon all parties and Staff according to a schedule to be set by the Administrative Law Judge.

Notwithstanding, it is well established that “the Commission seeks to maintain consistency with the Ohio Rules of Evidence to the extent practicable.” *In re Dayton Power & Light Co.*, Case No. 12-0426-EL-SSO, *et al.* Opinion and Order, at 8 (Sept. 4, 2013) citing *Greater Cleveland*

*Welfare Rights Org. v. Pub. Util. Comm.*, 2 Ohio St.3d 62, 68, 442 N.E.2d 1288 (1982). Those rules provide that a lay witness' opinions or inferences must be: 1) rationally based on the witnesses' perception; and 2) helpful to a clear understanding of the witnesses' testimony or determination of a fact issue. Evid. R. 701.

Expert testimony would similarly contain the opinions of an individual qualified as an expert, in response to questions. *In the Matter of Columbia MHC East LLC*, Case No. 01-2567-WS-ACE, Entry, at 2 (Nov. 17, 2003). An expert's opinion must be based on some reliable scientific, technical, or specialized information. Evid. R. 702.

**B. Portions of the Testimony of Travis Bohn Should Be Stricken From the Record and Prohibited at the Hearing.**

As to the essential purpose of his testimony, Mr. Bohn failed to satisfy the standard set forth in Evid. R. 702 for expert witnesses.

The pre-filed testimony goes far outside the scope of Mr. Bohn's perception. Instead, the testimony opines on a number of topics, based on nothing beyond conjecture and unsupported conclusions. The problematic testimony and the portion to be stricken are indicated in the attached Exhibit.

Mr. Bohn's qualifications to testify as an expert on these subject matters are nowhere disclosed in the written discovery. His pre-filed testimony contains none of the indicia of expert testimony.

Having no qualifications to opine on this subject matter, to which clearly only an expert can and should testify, Mr. Bohn's testimony on these subject matters must be stricken. Accordingly, the Board should strike that testimony as impermissible lay opinion testimony.

### III. CONCLUSION

For the reasons set forth above, the Applicant respectfully requests that the Board strike portions of Mr. Bohns' pre-filed testimony. The Applicant also requests that the Administrative Law Judge issue an order *in limine* precluding Mr. Bohn from testifying. The Applicant seeks this entry now so that an order *in limine* may provide guidance and clarity to the parties.

Respectfully submitted on behalf of  
SOUTH BRANCH SOLAR, LLC



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## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Motion to Strike was served upon the parties of record listed below this 31<sup>st</sup> day of May 2022 via electronic mail.



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## **BEFORE THE OHIO POWER SITING BOARD**

In the Matter of the Application of

South Branch Solar LLC, for a Certificate of

Case No: 21-0669-EL-BGN

Environmental Compatibility and Public

Need

### **Q.1. Please state your name and address.**

A.1. My name is Travis Bohn and my family lives at 3260 Township Road 254, Arcadia, Ohio 44804. Our property is directly across the street from the project area.

### **Q.2. How long have you lived in the community?**

A.2. I have lived in the Arcadia Community my entire 31 years. 3.5 years at this address, and the rest in the Village of Arcadia. I always dreamed of buying this home from my grandparents ever since I was young.

### **Q.3. How long has your family lived in the community?**

A.3. My wife's families as well as mine all lived in this community as far back as great-grandparents. My Grandfather built our home in 1969 and owned it until his passing in 2020.

### **Q.4. On whose behalf are you offering testimony?**

A.4. I am testifying on my own behalf.

### **Q.5. What is the purpose of your testimony?**

A.5. To voice my family's opposition, for the South Branch Solar project, located in Washington Township, Hancock County.

### **Q.6. What is your educational background?**

A.6. I graduated from Arcadia High School in 2009. I got my Bachelor's Degree in Business from The University of Findlay in 2012. I also have countless Fire Safety and EMS certificates.

**Q.7. What is your occupation?**

A.7. I am a full time fire fighter with the City of Findlay, as well as part time employee of the Village of Arcadia. I also am a Lieutenant on the Washington Township Fire Department, which serves the Village of Arcadia, as well as Washington, Cass, Biglick and Marion Townships.

**Q.B. Was this project in the planning process before you bought your property adjacent to the project area?**

A.B. It is hard to answer this question with 100% certainty because of the way this company came in so discreetly. I believe this was in the works around the same time or even before, I was purchasing my home.

**Q.9. Are you familiar with the location that has been proposed for the South Branch project?**

A.9. Yes. I have become familiar with the locations of the proposed project area by reviewing maps of the project area in the application filed with the Ohio Power Siting Board. In my testimony, I will refer to the South Branch Solar project as the "Project" and the land proposed for the site of the project as the "Project Area."

**Q.10. Would you have bought your property knowing that this project was in the planning stages?**

A.10. I would have had to make a very difficult decision, but ultimately I would not have purchased my dream home. ~~If this project gets approval, the value will decrease and I will never be able to sell my home for a respectable price,~~ so then I will be stuck with an undesirable home.

**Q.11. Is the Fire Department having jurisdiction over this project area properly equipped and trained to handle a major incident during construction, or operation of the project?**

~~A.11. No. A fire at the battery storage facility will deplete all resources readily available to a small volunteer fire dept.~~

**Q.12. Do you agree with the placement of this project?**

A.12. There are many reasons why I don't think this project is placed in the correct area. If you study the project map, you will see that they aren't developing the fields directly surrounding the participating farmers' houses. I think that should tell the story in itself. They will surround all their neighbors with panels, but heaven forbid they have to look out their windows at them. To add that they weren't even in attendance at the public hearing is also a slap in all their neighbors faces.

~~Also to put them right up against the Village of Arcadia's entire north boundary is not ideal, preventing any growth for the next 30-40 years.~~ There has been 4 new houses built in the village within the past few years, with another one coming soon.

The developers keep stating that they have reduced the footprint to appease the neighbors' concerns, but that is very inaccurate. They lost those farms due to access issues and historical reasons. If they wanted to keep this project small the company wouldn't have sent out their City of Findlay soldiers to try to get enough signatures to reverse the Hancock County Commissioners decision on exclusion zones. They were unsuccessful in getting the referendum on the ballot. That is the only reason this project won't spread like a cancer throughout the entire county.

**Q.13. Do you think this project will have a negative effect on wildlife?**

A.13. Yes I do. The day I moved into our house, there was a bald eagle sitting across the street that will be in the project area. Also I have watched deer travel the fence row to my north to make their way to the north east corner of Arcadia. ~~These animals will either be forced onto the roadways, or just simply forced out of the entire area. Only rodents and small wildlife will be able to travel through their fence, which will allow them to multiply uncontrollably.~~

**Q.14. Is there any flooding that already occurs around your property?**

A.14. Yes when there is a heavy rain, water will back up and run across the roadway between me and my neighbors to the south. The water pours over the road and into their waterway that runs through their bison pasture. ~~When this field is developed, it will worsen this flooding which also is one of the outlets for the majority of the north end of The Village of Arcadia.~~

**Q.15. Has the developing company done anything for the community to show its support?**

A.15. The developers have done some community outreach and support, but not for the community that it is being developed in. They have sponsored a parade, and helped provide Christmas gifts for children that are less fortunate. However, all of these efforts have taken place within the City of Findlay. They haven't done anything for the Arcadia community to show that they will be "good neighbors." All I have heard of them doing is trying to buy everyone's silence. All the supporters keep talking about how much money the school will get. True, the school could always use more money, however, I believe that our school has used their tax money very responsibly. I will be very proud to drop my son off at that school knowing that I got a full ride scholarship from my education at that school. To use our children as pawns and claiming that our school system is inadequate is sad, and frankly just incorrect.

**Q.16. Do you believe in personal property rights?**



A.16. Yes I do. However, when an industrial utility can disguise itself as agricultural by finding a loophole, there is no need for zoning anymore. I would never do something on my property that would destroy the value and quality of life of my neighbors.

**Q. 17.** Will the "significant sound" during construction interfere with your family's life?

A.17. Yes, very much so. I work a 24 hour shift, and sometimes get no sleep at all on duty. **I** need to rest after my shift to prepare for the day, with the construction noise going on around my property from sunrise to sunset this will be impossible. My one year old son also has been seeing an audiologist at Nationwide Children's Hospital in Columbus, Ohio. With his hearing issues, I can't begin to explain the danger this noise will put on his development.

**Q.18. Does this conclude your direct testimony?**

A.18. Yes. Thank you for your time.

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**in**

**Case No(s). 21-0669-EL-BGN**

Summary: Testimony electronically filed by Mr. Travis Bohn on behalf of Bohn,  
Travis David Mr.

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

**5/31/2022 3:23:01 PM**

**in**

**Case No(s). 21-0669-EL-BGN**

Summary: Motion of South Branch, LLC To Strike Direct Testimony of Travis Bohn  
and In Limine To Exclude Related Hearing Testimony electronically filed by Teresa  
Orahoad on behalf of Sommer Sheely