

BEFORE THE OHIO POWER SITING BOARD

- - -

In the Matter of the :
 Application of Yellow Wood :
 Solar Energy, LLC for a : Case No.
 Certificate of Environmental : 20-1680-EL-BGN
 Compatibility and Public :
 Need to Construct a :
 Solar-Powered Electric :
 Generation Facility in :
 Clinton County, Ohio. :

- - -

PROCEEDINGS

before Jacky St. John and Daniel Fullin,
 Administrative Law Judges, at the Public Utilities
 Commission of Ohio, 180 East Broad Street, Room 11-C,
 Columbus, Ohio, called at 1:00 p.m. on Tuesday,
 September 27, 2022.

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VOLUME II

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On behalf of Ohio Farm Bureau
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On behalf of the Ohio Power Siting Board.

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1 Tuesday Afternoon Session,
2 September 27, 2022.

3 - - -

4 ALJ ST. JOHN: Let's go back on the
5 record. Today we're resuming the hearing for Case
6 No. 20-1680-EL-BGN. Before we start off with the
7 witness testimony let's go ahead and take appearances
8 of the parties, starting with the Applicant and going
9 around the room.

10 MR. SECREST: Thank you, your Honor.
11 Jonathan Secrest, Christine Pirik, and David Lockshaw
12 from the law firm Dickson Wright on behalf of the
13 Applicant.

14 ALJ ST. JOHN: Thank you.

15 MS. CURTIS: Leah Curtis on behalf of
16 intervenor Ohio Farm Bureau.

17 MS. BAIR: On behalf of the Staff of the
18 Power Siting Board, Jodi Bair, Assistant Attorney
19 General.

20 MR. VAN KLEY: Jack Van Kley, Residents.

21 ALJ ST. JOHN: All right. Thank you.
22 And with that, I didn't hear of any preliminary
23 issues to discuss before we call our first witness,
24 so I'm going to go ahead and turn things over to the
25 Applicant.

1 MR. SECREST: Thank you, your Honor.

2 May the Applicant call Mr. Mike Hankard?

3 ALJ ST. JOHN: Yes. Will you step
4 forward? Do you swear or affirm the testimony you're
5 about to provide is the truth?

6 THE WITNESS: I do.

7 ALJ ST. JOHN: Thank you. And please
8 proceed.

9 MR. SECREST: Thank you. And may I
10 proceed, your Honor?

11 ALJ ST. JOHN: Yes.

12 - - -

13 MICHAEL HANKARD,
14 being first duly sworn, as prescribed by law, was
15 examined and testified as follows:

16 DIRECT EXAMINATION

17 By Mr. Secrest:

18 Q. Good afternoon, Mr. Hankard. Would you
19 please state and spell your full name for the record?

20 A. Michael Hankard. H-a-n-k-a-r-d.

21 Q. Thank you. By whom are you employed?

22 A. By myself. I own the firm that I work
23 for.

24 Q. Thank you. And is that Hankard
25 Environmental, Inc.?

1 A. It is.

2 Q. Thank you. Do you have in front of you
3 a copy of your direct testimony that was prefiled in
4 this case?

5 A. I do.

6 Q. Is that a true and accurate copy?

7 A. Yes.

8 Q. Thank you.

9 MR. SECREST: Your Honor, may we have
10 Mr. Hankard's direct testimony marked as Applicant
11 Exhibit 27?

12 ALJ ST. JOHN: Yes, that will be so
13 marked.

14 (EXHIBIT MARKED FOR IDENTIFICATION.)
15 By Mr. Secrest:

16 Q. Mr. Hankard, do you have any corrections
17 or revisions to your prefiled direct testimony?

18 A. I do not.

19 MR. SECREST: Thank you. Tender
20 Mr. Hankard for cross-examination, your Honor.

21 ALJ ST. JOHN: Thank you. All right.
22 Does the Farm Bureau have any questions for this
23 witness?

24 MS. CURTIS: No questions, your Honor.

25 ALJ ST. JOHN: Mr. Van Kley?

1 MR. VAN KLEY: Thank you, your Honor.

2 - - -

3 CROSS-EXAMINATION

4 By Mr. Van Kley:

5 Q. Good afternoon, Mr. Hankard.

6 A. Good afternoon.

7 Q. Let's talk a little bit first about the
8 locations of the sound measurement stations that you
9 used for your background noise study. Were all of
10 the locations located along roads?

11 A. Well, four of the monitors that we
12 placed that stayed at the site for two weeks were
13 located at residences, so -- and of course they are
14 on a road, every residence is, ultimately, so in that
15 sense, yes.

16 And then the our four locations, which
17 we called short-term locations, often times we do
18 pull over to the side of a right-of-way, so we do
19 drive to them, so I guess, yes, they were located on
20 a road or near a road.

21 Q. With regard to the four stations that
22 were located at residences, were those stations
23 located between the residences and the public roads?

24 A. I do not recall explicitly. I mean,
25 when we get to a residence we meet with the landowner

1 and just seek out the location that's near the home
2 away from trees, if we can, and not in their way.

3 So generally they are just in the yard,
4 and I can't speak individually if they were between
5 the road and the house, I would need to look at the
6 report for that.

7 Q. Okay. Do you recall whether any of
8 those four monitoring stations were located behind
9 the house; that is, with the house being located
10 between the nearest public road and the monitoring
11 station?

12 A. It's kind of the same response. Whether
13 or not it's in front or behind the home, I don't
14 recall immediately.

15 Q. Now, one of the sounds from the solar
16 facility that you evaluated are sounds from inverters
17 in the facility, correct?

18 A. Correct.

19 Q. And you performed some modeling to
20 estimate what the potential sound levels will be from
21 those inverters, correct?

22 A. Correct.

23 Q. Can you explain what the sound from an
24 inverter sounds like?

25 A. Sure. So it's a large cabinet that has

1 electronic equipment inside, and then it has cooling
2 fans and then it has a transformer. The primary
3 source of noise from these units is the cooling fans,
4 so it's a fan much like any other fan.

5 Q. So does the -- does the noise from an
6 inverter sound make a humming sound?

7 A. Yes. I mean, electrical equipment all
8 operates on the 120 hertz cycle, that is the standard
9 in this country, and so then you can get -- I guess
10 you could characterize it as a hum in some cases, but
11 the fans, again, are the dominant source and they do
12 not contain a hum per se.

13 Q. So if you were to compare the sound from
14 an inverter to another type of sound that is readily
15 known to the public, how would you describe it?

16 A. Well, again, I guess it's anything that
17 you may have walked by that has a fan, anything
18 that's being cooled.

19 I'm trying to think of an everyday
20 source, and I'm not coming up with one, clearly. An
21 air conditioning unit, but that has a compressor and
22 a fan, but it's not -- I guess it's not that
23 dissimilar from an air conditioning unit.

24 Q. Did you do any modeling with respect to
25 the sounds from the proposed facility at night other

1 than from the substation?

2 A. No.

3 Q. Do you know what a tracker motor is?

4 A. I do.

5 Q. Okay. Could you define it for us,
6 please?

7 A. It's a small, generally electric motor
8 that is used to tilt the panel such that they follow
9 the arc of the sun throughout the day.

10 Q. As the panels are following the sun
11 throughout the day is there a clicking noise that
12 results from that process?

13 A. We have been to three to four solar
14 facilities and one of them had an older style system
15 with complicated gearing that's no longer used, so
16 there was some clicking associated with that one, but
17 the others that we have experienced, the tracker
18 motors themselves were almost inaudible unless you
19 got right up to them, and in that case it was
20 essentially the sound of a small electric motor.

21 Q. Okay. Were any of the facilities that
22 you've just described located in Ohio?

23 A. Yes.

24 Q. Which ones?

25 A. Just one; the Hardin solar, Hardin 1 --

1 and I think it's called Hardin 1 and 2 Solar
2 Facility.

3 Q. Okay. And was that one of the
4 facilities at which you did not hear the clicking
5 noise, or was it the facility at which you did hear
6 the clicking noise?

7 A. We did not hear it at Hardin.

8 Q. And you were there during the time that
9 the sun was shining?

10 A. Yeah -- my staff was, I just want to be
11 clear there. And yes, we were there for many days
12 and the sun -- the facility was operating and the sun
13 was shining, yes.

14 Q. Did you include any sounds from tracker
15 motors in the sounds that you modeled?

16 A. No, we did not.

17 Q. I'd like to direct your attention to the
18 narrative of the Application, if counsel could put
19 that in front of you, that would be Applicant's
20 Exhibit 1.

21 And when you access that document, if
22 you could go to page 50, please.

23 A. I'm there.

24 Q. Okay. Let me direct your attention to
25 the first paragraph on that page, and specifically

1 the last sentence of that first paragraph. And I'll
2 just give you a few moments here to read it to
3 yourself.

4 A. Yes, I've read it.

5 Q. Okay. So I was curious about the
6 statement in the sentence that the construction
7 activity at the site will produce sounds that are
8 already familiar to the community. Do you see that?

9 A. I do.

10 Q. Can you tell me whether, in your
11 opinion, the -- any of the sounds from construction
12 of this facility will produce -- let me start over.

13 Can you tell me whether, in your
14 opinion, any of the activities in the construction of
15 this site will produce sounds that are already
16 familiar to the community?

17 A. Yes, almost all of the construction
18 equipment and activities are no different than if
19 someone was working on your house or your neighbor's
20 house, or the city or county was putting in a new
21 sewer pipe in your front yard, or farm equipment is
22 really no different than many construction equipment,
23 they are all just diesel driven hydraulic pieces of
24 equipment.

25 I guess the only exception to that would

1 be the pile driving is not perhaps something that
2 everybody has experienced, but the rest of the
3 equipment is quite common.

4 Q. Do you know how long construction is
5 expected to last on this facility?

6 A. I remember seeing that in our report.
7 If I recall correctly, it was on the order of 18
8 months.

9 Q. Okay. And do you know what period of
10 time during that overall construction timeline will
11 have the occurrence of heavy construction equipment
12 such as bulldozers or excavating equipment?

13 A. I don't believe I was provided with a
14 breakdown of that, I would have to refer to my
15 report. But the first phase is to clear -- prepare
16 the ground, and then the second phase would be to
17 install the piles, and then after that it's largely
18 just, you know, the installing the panels and wiring
19 them up. So it's kind of that first, I don't know,
20 half, but I don't know the exact breakdown of the
21 timeline.

22 Q. Have you visited the project area?

23 A. I have.

24 Q. And when you were visiting the project
25 area did you also visit any of the areas of the

1 community surrounding the project area?

2 MR. SECREST: Objection, vague.

3 MR. VAN KLEY: I can narrow it down a
4 little bit.

5 By Mr. Van Kley:

6 Q. During the time that you visited the
7 project area did you also visit any areas outside the
8 project area within a mile of the boundary of the
9 project area?

10 A. Well, I drove to the project area and
11 visited each of the measurement locations, kind of in
12 a sense drove all around and through the project
13 area, and then, you know, retreated via a roadway
14 that I had come in on. So I didn't like do loops
15 around it at a mile radius or anything, but I
16 concentrated on the area in and around where the
17 residents would be.

18 Q. Okay. When did you visit the project
19 area?

20 A. Yesterday.

21 Q. Okay. So that would have been after you
22 prepared your report in this case?

23 A. Correct.

24 Q. During your visit did you notice any
25 construction occurring?

1 A. Yeah, there was some re-graveling of a
2 road, I believe, and there were -- there was a
3 tractor tilling up a field of beans that had been
4 harvested. That's about it.

5 MR. VAN KLEY: I have no more questions,
6 your Honor.

7 ALJ ST. JOHN: Does the Applicant have
8 any redirect?

9 MR. SECREST: Will you give us just a
10 couple minutes, please, your Honor?

11 ALJ ST. JOHN: Sure.

12 (Pause.)

13 MR. SECREST: Thank you, your Honor.
14 No, we do not have any redirect.

15 ALJ ST. JOHN: Thank you. And I do
16 apologize, I think I failed to ask Staff if you had
17 questions.

18 MS. BAIR: Thank you. We have no
19 questions.

20 ALJ ST. JOHN: Thank you. With that
21 being said, we have marked Applicant's Exhibit 27.
22 Would you like to move that into evidence at this
23 time?

24 MR. SECREST: Yes, please. We would
25 move to have Applicant's Exhibit 27 moved to admit.

1 ALJ ST. JOHN: And are there any
2 objections to admitting that exhibit?

3 MR. VAN KLEY: No.

4 MS. BAIR: No.

5 ALJ ST. JOHN: Hearing none, that is
6 admitted.

7 (EXHIBIT ADMITTED INTO EVIDENCE.)

8 ALJ ST. JOHN: And thank you very much
9 for your testimony. You are excused.

10 (Witness excused.)

11 MR. SECREST: May the Applicant call
12 Raleigh Barnes, your Honor?

13 ALJ ST. JOHN: Yes, please step forward.
14 Do you swear or affirm the testimony you're about to
15 provide is the truth?

16 THE WITNESS: I do.

17 ALJ ST. JOHN: Thank you. You may
18 proceed.

19 MR. SECREST: Thank you. May I
20 approach?

21 ALJ ST. JOHN: Yes.

22 MR. SECREST: May I proceed, your Honor?

23 ALJ ST. JOHN: Yes.

24 - - -

25 RALEIGH BARNES,

1 being first duly sworn, as prescribed by law, was
2 examined and testified as follows:

3 DIRECT EXAMINATION

4 By Mr. Secrest:

5 Q. Mr. Barnes, will you please state and
6 spell your full name for the record?

7 A. Raleigh, R-a-l-e-i-g-h, first name, last
8 name Barnes, B-a-r-n-e-s.

9 Q. Thank you. By who are you employed?

10 A. Calvert Street Group, LLC.

11 Q. Do you have a copy of your direct
12 testimony in front of you?

13 A. I do.

14 Q. Is that a true and accurate copy of your
15 testimony prefiled in these proceedings?

16 A. It is.

17 MR. SECREST: Your Honor, may we have
18 marked as Applicant Exhibit 25 Mr. Barnes' prefiled
19 testimony.

20 ALJ ST. JOHN: Yes.

21 (EXHIBIT MARKED FOR IDENTIFICATION.)

22 By Mr. Van Kley:

23 Q. Do you have any revisions or changes to
24 that testimony, Mr. Barnes?

25 A. I do not.

1 Q. If the same questions that are contained
2 within your direct testimony were posed to you today
3 would your responses be the same?

4 A. Yes.

5 MR. SECREST: Mr. Barnes is available
6 for cross, your Honor.

7 ALJ ST. JOHN: Any questions from the
8 Farm Bureau?

9 MS. CURTIS: No questions.

10 ALJ ST. JOHN: Mr. Van Kley.

11 MR. VAN KLEY: Thank you.

12 - - -

13 CROSS-EXAMINATION

14 By Mr. Van Kley:

15 Q. Mr. Barnes, would you turn to page 5 of
16 your direct testimony that's marked as Applicant
17 Exhibit 25?

18 A. Yes.

19 Q. Let's go to your answer to question 11,
20 and I'm curious about the phone campaign mentioned in
21 the first line of your answer to question 11. Do you
22 regard that as being an opinion poll?

23 A. This -- Yes, this was an opinion poll,
24 correct.

25 Q. Other than the two questions that are

1 listed in your answer to question 11, were any other
2 questions asked of the respondents in this poll?

3 A. None to my knowledge.

4 Q. Were any statements made to the
5 respondents other than what is mentioned in your
6 question 1?

7 A. None to my knowledge.

8 Q. So the respondents were not asked
9 whether they were familiar with the Yellow Wood Solar
10 project?

11 A. Correct.

12 Q. There's a reference on line 26 and line
13 27 of this answer to a project fact sheet. Can you
14 tell me what that is?

15 A. It was a document created by the
16 Applicant of the project information and local
17 benefits it would provide construction timelines.

18 Q. And was that project fact sheet provided
19 to any of the Respondents?

20 A. To this survey, I'm not sure.

21 Q. Well, can you tell me whether the fact
22 sheet was provided to the Respondents either during
23 the phone call or before the phone call?

24 A. It was emailed to those who provided
25 emails -- their email address.

1 Q. So it was emailed to the respondents?

2 A. If they -- yes, for those who offered
3 their email address.

4 Q. Okay. So the fact sheet was emailed to
5 respondents after the phone call in which they
6 answered the questions listed in your answer 11?

7 A. Correct.

8 Q. But not before at any instance?

9 A. Correct.

10 Q. The first question listed in your answer
11 to question 11 of your testimony is, "Do you support
12 solar energy farms in Clinton County?" Do you see
13 that?

14 A. Yes.

15 Q. What was the purpose of asking the
16 respondents that question?

17 A. To determine level of support of solar
18 farms in Clinton County.

19 Q. So according to your answer, the phone
20 campaign began with a universe of 608 households,
21 correct?

22 A. Correct.

23 Q. How were those households chosen?

24 A. They were determined by political
25 affiliation support for renewable energy by other

1 means through a database.

2 Q. Okay. With regard to a political
3 affiliation, can you explain to me how your company
4 used that information to select the recipients for
5 this opinion poll?

6 A. It was based on age; political
7 affiliation as well.

8 Q. Okay. What does that mean, though? I
9 mean, did you exclude one party and include another
10 party, or what did you do with the information about
11 the political affiliation?

12 A. To the best of my knowledge we focused
13 on younger voters in Clinton County, and Democrats
14 and Independents, and Republicans under the age of
15 40, I believe.

16 Q. Okay. So that would exclude Republicans
17 over the age of 40?

18 A. Correct.

19 Q. And why did you do that?

20 A. Because the large portion of demographic
21 in that age range are opponents to the project and
22 they expressed opposition to the project publicly,
23 and we were trying to determine the level of support
24 by the most expedient means in the County.

25 Q. So the Republicans over 40 years of age

1 were not included in the 608 households that you
2 contacted?

3 A. Correct, to the best of my knowledge.

4 Q. Were there any other demographics of
5 persons that were excluded from the 608 households?

6 A. Not to my knowledge.

7 Q. You said that you also used support for
8 renewable energy as a means to decide who to contact,
9 correct?

10 A. Could you rephrase the question?

11 Q. Yeah. I'm trying to follow up on your
12 prior statement that you used support for renewable
13 energy as a factor in deciding which households to
14 contact.

15 A. Yes.

16 Q. Can you elaborate on that, please?

17 A. Yes. Prior to the 608 we did an opinion
18 poll months before this, and it was a larger universe
19 that we utilized.

20 Q. Okay. And so how did you use that
21 information to determine which people would be
22 included in the 608 households that you contacted for
23 the opinion poll that's mentioned in your answer to
24 question 8 to your testimony?

25 A. It was a followup to those who were

1 supportive in the original opinion to re-engage on
2 the matter.

3 Q. Okay. So in the 608 households that you
4 contacted in the opinion poll described in your
5 answer 8 of your testimony, did you exclude the
6 people from the first pole that indicated they did
7 not support renewable energy?

8 A. I don't recall.

9 Q. Well, do you recall how you utilized the
10 information concerning support or opposition to
11 renewable energy in the first poll when you did the
12 second poll that's mentioned -- that is described in
13 your testimony?

14 A. We utilized the supportive metrics, and
15 used them again for the 608 list, and for those who
16 had concerns about the project and had questions, we
17 focused on those during the survey call and if they
18 had no further conditions we didn't conduct followup
19 with those folks.

20 Q. Okay. You did not follow up with the
21 folks who indicated concerns in the first opinion
22 poll when you did the second opinion poll, is that
23 what you're saying?

24 A. In the first opinion poll, correct. We
25 handled that on that end, and the second opinion poll

1 was a re-listing of metrics that were more supported.

2 Q. So if a respondent to the first poll
3 indicated that the respondent did not support
4 renewable energy, then you did not contact them for
5 the second poll; is that right?

6 A. Correct.

7 Q. How many of the 608 households in the
8 second poll, that is the poll described in answer 11,
9 actually were engaged in conversation in this poll?

10 A. I don't recall.

11 Q. All right. At the bottom of page 5 of
12 your testimony, line 29, you state that, "71
13 households responded to the first question." Do you
14 see that?

15 A. Yes.

16 Q. Does that mean that your polsters only
17 were able to talk to 71 households out of the 608
18 households that were in the universe of your phone
19 campaign?

20 A. Correct.

21 Q. And what happened to the rest of them?

22 A. Broken phone lines, disconnections, no
23 answers.

24 Q. Did any of the households contacted for
25 the poll described in answer 11 decline to answer any

1 questions?

2 A. Not to my knowledge, no.

3 Q. Let's go to page 6 of your testimony,
4 which is also a part -- and I'm looking at the part
5 of your testimony that is included in answer 11.

6 On the top of the page it states of
7 those that -- "Of those that responded 'yes,' 14
8 households agreed they would be willing to leave a
9 voicemail for the Clinton County Commissioners." Do
10 you see that?

11 A. Yes.

12 Q. Did you do any followup to find out how
13 many of those 14 actually did contact the
14 commissioners?

15 A. I did not.

16 Q. Did anybody, to your knowledge?

17 A. No.

18 Q. How many people were contacted in the
19 first opinion poll?

20 A. I don't know the original number.

21 Q. Can you give me an approximate estimate?

22 A. It was county-wide, and it was the phone
23 numbers that were accessible for that outreach. I
24 don't recall the number.

25 Q. Were there any demographics of people

1 excluded from the first opinion poll?

2 A. No.

3 Q. Okay. And how were those -- those
4 people were chosen because their phone numbers were
5 publicly available?

6 A. Correct.

7 Q. Did those phone numbers include
8 cellphones?

9 A. Yes.

10 Q. How did you get the cellphone numbers?

11 A. It was provided in the county voter
12 file.

13 Q. Did all -- to your knowledge, do all of
14 the voters in that county provide cellphone numbers
15 to the state when they are -- for purposes of use in
16 the voter file?

17 A. Not to my knowledge.

18 MR. VAN KLEY: I have no more questions
19 at this time.

20 ALJ ST. JOHN: Thank you. Are there any
21 questions from Staff?

22 MS. BAIR: None. Thank you.

23 ALJ ST. JOHN: Does the Applicant have
24 any redirect?

25 MR. SECREST: We do not, your Honor.

1 Thank you.

2 ALJ ST. JOHN: Before you step off the
3 stand, your counsel has marked Applicant's Exhibit 25
4 as your testimony. Would counsel like to move for
5 the admission of that exhibit?

6 MR. SECREST: Yes, we so move.

7 ALJ ST. JOHN: And are there any
8 objections to admitting that into the record?

9 MS. CURTIS: No.

10 MS. BAIR: No.

11 MR. VAN KLEY: No.

12 ALJ ST. JOHN: Hearing none, that is
13 admitted. Thank you.

14 (EXHIBIT ADMITTED INTO EVIDENCE.)

15 (Witness excused.)

16 MR. SECREST: May the Applicant call
17 David Loomis, your Honor?

18 ALJ ST. JOHN: Yes, please step forward.
19 Do you swear or affirm the testimony you're about to
20 provide is the truth?

21 THE WITNESS: Yes.

22 ALJ ST. JOHN: Thank you. Please
23 proceed.

24 MR. SECREST: May I, your Honor?

25 ALJ ST. JOHN: Yes.

1 MR. SECREST: Thank you.

2 - - -

3 DR. DAVID G. LOOMIS,
4 being first duly sworn, as prescribed by law, was
5 examined and testified as follows:

6 DIRECT EXAMINATION

7 By Mr. Secrest:

8 Q. Mr. Loomis, will you please state your
9 full name and spell it for the record?

10 A. Full name is David Glen Loomis,
11 D-a-v-i-d, G-l-e-n-n, L-o-o-m-i-s.

12 Q. Thank you. By whom are you employed?

13 A. I am a professor of economics at
14 Illinois State University, and also president of
15 Strategic Economic Research, LLC, the consulting firm
16 that I own.

17 Q. Thank you. Do you have in front of you
18 a copy of your direct testimony that was prefiled in
19 these proceedings?

20 A. Yes, I do.

21 Q. Is that a true and accurate copy of your
22 direct testimony?

23 A. Yes, it is.

24 Q. Thank you.

25 MR. SECREST: Your Honor, may we have

1 Mr. Loomis' prefiled direct testimony marked as
2 Applicant Exhibit 24?

3 ALJ ST. JOHN: Yes, that will be so
4 marked.

5 (EXHIBIT MARKED FOR IDENTIFICATION.)

6 By Mr. Secrest:

7 Q. Do you have any changes or revisions to
8 your testimony Mr. Loomis?

9 A. No.

10 Q. If the same questions that were proposed
11 to you in your direct testimony were asked to you
12 today, would your answers be the same?

13 A. Yes.

14 MR. SECREST: Mr. Loomis is available
15 for cross, your Honor. Thank you.

16 ALJ ST. JOHN: Thank you. Does the Farm
17 Bureau have any questions?

18 MS. CURTIS: No, your Honor.

19 ALJ ST. JOHN: Mr. Van Kley?

20 MR. VAN KLEY: Yes, your Honor.

21 - - -

22 CROSS-EXAMINATION

23 By Mr. Van Kley:

24 Q. Mr. Loomis, could you go to Exhibit F of
25 the Application, please?

1 A. I have that.

2 Q. All right. Please go to page 17 of
3 Exhibit F. All right. So on this page at the top of
4 the page it is stated -- and before I actually go
5 into these questions, the Exhibit F was prepared by
6 you; is that correct?

7 A. That is correct.

8 Q. And it's the -- it's entitled Economic
9 Impact and Land Use Analysis; is that right?

10 A. That is correct.

11 Q. All right. So let's go to page 17 of
12 the document, and at the top of the page it stated
13 that in 2012 the amount of farmland in the County
14 dropped, correct?

15 A. Yes, that is correct.

16 Q. Okay. And then there's a Figure 11 on
17 that page which illustrates the fluctuation in the
18 number of farms in Clinton County between 1992 and
19 2017, correct?

20 A. Correct.

21 Q. And since the -- sometime between 2005
22 and 2017, there's a downward trend in the number of
23 farms in Clinton County, correct?

24 A. Correct.

25 Q. Do you know what the cause or causes of

1 the decline in numbers of farms in Clinton County is
2 during that period of time?

3 A. I do not.

4 Q. All right. While you're in Exhibit F,
5 let's go to page 35, and this is a page that's
6 entitled Economic Impact Results, right?

7 A. Correct.

8 Q. And there's a Table 6 there that
9 provides the total employment impact from the Yellow
10 Wood Solar Project, correct?

11 A. Correct.

12 Q. And under Operations (Annual) there's a
13 line for Onsite Labor Impacts (direct); is that
14 correct?

15 A. Correct.

16 Q. And that information shows how many
17 people will be employed by the solar facility; is
18 that right?

19 A. Yes.

20 Q. And it states on that line that 1.8 jobs
21 will result in Clinton County; is that correct?

22 A. Correct.

23 Q. And then 3.6 jobs will increase -- let
24 me start over.

25 There will be 3.6 jobs created in the

1 State of Ohio by the project; is that correct?

2 A. Yes.

3 Q. Does that 3.6 jobs in Ohio include the
4 1.8 jobs in Clinton County?

5 A. Yes, it does.

6 Q. So with regard to the 1.8 jobs on this
7 line that are not in Clinton County, how will those
8 people be employed by the solar facility?

9 A. Could you restate that?

10 Q. Yeah. With regard to the 1.8 jobs
11 resulting directly from the project outside of
12 Clinton County, what kind of work will they be doing
13 for the project?

14 A. So you're asking if -- the difference
15 between the 1.8 that's in Clinton County, and the 3.6
16 that's the State of Ohio, what would those people be
17 doing, what are those jobs?

18 Q. Yeah, what would the people outside of
19 the county be doing in their jobs?

20 A. This is again looking at the number of
21 the direct employment, and so we're analyzing the
22 number of jobs that are going to be coming from
23 Clinton County versus coming from the State as a
24 whole.

25 So these would still be on-site

1 technicians, operations people that may be doing
2 routine maintenance on the system, but not, you know,
3 physically present all the time at the facility.

4 Q. So can you elaborate on what kind of
5 work those people who are located outside of Clinton
6 County will do?

7 A. They would be broadly classified as
8 solar technicians.

9 Q. Now, going back to Table 6, there are
10 some indirect jobs that are stated to result from
11 this project as well, right?

12 A. Yes.

13 Q. Now, did you use the IMPLAN model to
14 calculate the information in Table 6?

15 A. I used the IMPLAN multiplier so that the
16 underlying data is from IMPLAN, that is correct.

17 Q. And are the number of indirect jobs in
18 Table 6 based on a multiplier times the number of
19 direct jobs produced by the project?

20 A. No, it's not as simple as that. We took
21 detailed cost estimates of the operating expenses
22 that the project is looking going forward, kind of
23 their budgeted expenses, and then we looked at those
24 detailed estimates of costs by category then to
25 derive the indirect cost -- job estimates in Table 6.

1 Q. When you prepared Table 6 -- let me
2 start over.

3 Do you know whether any of the -- you do
4 know that the project area includes farmland, right?

5 A. Yes.

6 Q. And the farmland will be used for solar
7 panels if this project is built, right?

8 A. Yes.

9 Q. And it would be used for a substation
10 and roads and other parts of the solar facility as
11 well, right?

12 A. Correct.

13 Q. Okay. Now, do you know whether any of
14 the farmland in the project area is currently being
15 leased to farmers who are not participating as
16 leaseholders in the project?

17 A. I do not know.

18 Q. Do you know whether any of the farmers
19 who are currently farming the land in the project
20 area hire employees for that purpose?

21 A. I don't have personal knowledge, no.

22 Q. Did you determine the number of jobs, if
23 any, that would be lost as a result of farming
24 activities that were no longer incurred in the
25 project -- occur in the project area?

1 A. No, I did not calculate that.

2 Q. Did you calculate the amount of income
3 from farming that would be lost to the persons
4 farming land in the project area if the project went
5 through?

6 A. Say that again.

7 Q. Yes. In conducting your model that came
8 up with the information in Table 6 of your Appendix
9 F, did you input any data on how much farming income
10 from the project would be lost if the project was
11 built?

12 A. I did not.

13 Q. Now, you know that farmers typically buy
14 seed for their grain crops from other people?

15 A. Yes.

16 Q. Okay. Did you calculate the potential
17 loss of -- from the fact that seed for the land in
18 the project area would no longer be purchased from
19 vendors?

20 A. I considered that, but I considered it
21 to be a very small impact because I think it's less
22 than one-and-a-half percent of the total acreage in
23 the -- in the County will be temporarily transferred
24 from agricultural use active farming to be used in
25 the solar project.

1 Q. Well, did you calculate a dollar figure
2 for the loss of the seed?

3 A. I did not.

4 Q. The seed sales? No?

5 A. No.

6 Q. How about from other sales, did you
7 calculate any dollar figures for loss of fertilizer
8 sales to people who otherwise would have sold
9 fertilizer to farmers in the project area?

10 A. No.

11 Q. Did you determine whether or not the
12 farmers in the project area currently use custom
13 applicator companies to spread fertilizer or do other
14 tasks on the farmland in that project area?

15 A. No.

16 Q. Did you do any study to determine
17 whether the project would harm anyone economically?

18 A. No.

19 MR. VAN KLEY: Thank you. Nothing
20 further, your Honor.

21 ALJ ST. JOHN: Thank you. Are there any
22 questions from the Staff?

23 MS. BAIR: None, your Honor.

24 ALJ ST. JOHN: Any redirect from the
25 Applicant?

1 MR. SECREST: Yeah, may we take a
2 three-minute break, your Honor?

3 ALJ ST. JOHN: Yes, let's go off the
4 record for a few minutes.

5 (Discussion off the record.)

6 ALJ ST. JOHN: Let's go back on the
7 record. And at this time do you have any redirect
8 for the witness?

9 MR. SECREST: Just briefly, your Honor.
10 Thank you.

11 - - -

12 REDIRECT EXAMINATION

13 By Mr. Secrest:

14 Q. Mr. Loomis, are there potential benefits
15 associated with the project that the IMPLAN model
16 does not consider?

17 A. Yes.

18 Q. Could you provide some examples?

19 A. Yeah, the IMPLAN model does not consider
20 any of the environmental benefits associated with
21 solar, nor does -- is it able to look at potential
22 positive benefits on electricity rates due to
23 additional generation coming on to the grid.

24 Q. Are you referring to competitive energy
25 rates?

1 A. Yes.

2 MR. SECREST: Thank you. Nothing
3 further, your Honor.

4 ALJ ST. JOHN: Thank you. Any recross?

5 MR. VAN KLEY: No, your Honor.

6 ALJ ST. JOHN: And with that we have
7 marked Applicant's Exhibit 24. Would you like to
8 move to admit that exhibit into the record?

9 MR. SECREST: We do, your Honor. Thank
10 you.

11 ALJ ST. JOHN: Any objection?

12 MS. BAIR: No.

13 MR. VAN KLEY: No.

14 ALJ ST. JOHN: Hearing none, that is
15 admitted.

16 (EXHIBIT ADMITTED INTO EVIDENCE.)

17 ALJ ST. JOHN: Anything further from the
18 Applicant?

19 MR. SECREST: Not from the witness
20 standpoint, your Honor. The only other thing is to
21 move for the admission of Joint Exhibit 1.

22 ALJ ST. JOHN: All right. Are there any
23 objections to admitting Joint Exhibit 1?

24 MS. BAIR: No.

25 MR. VAN KLEY: No.

1 ALJ ST. JOHN: Hearing none, that is
2 admitted.

3 (EXHIBITS ADMITTED INTO EVIDENCE.)

4 ALJ ST. JOHN: Thank you. And at this
5 point I will -- well, first, is there anything from
6 the Farm Bureau?

7 MS. CURTIS: No.

8 ALJ ST. JOHN: And I will turn things
9 over to you, Mr. Van Kley.

10 MR. VAN KLEY: Yes, we would like to
11 first of all mark Diane Rhonemus' direct testimony as
12 Resident Exhibit 1, and I would note that I premarked
13 it as Rhonemus Exhibit 1, but I'd like to remark it
14 as Residents' Exhibit.

15 ALJ ST. JOHN: That would be so marked.

16 (EXHIBIT MARKED FOR IDENTIFICATION.)

17 MR. VAN KLEY: And then I would move the
18 admission of that exhibit.

19 ALJ ST. JOHN: Any objections to the
20 admission of that?

21 MR. SECREST: No, your Honor.

22 MS. BAIR: No.

23 ALJ ST. JOHN: Hearing none, that is
24 admitted.

25 (EXHIBIT ADMITTED INTO EVIDENCE.)

1 ALJ ST. JOHN: Anything further, Mr. Van
2 Kley?

3 MR. VAN KLEY: No, your Honor.

4 ALJ ST. JOHN: Okay. And I will go
5 ahead and turn things over to Staff.

6 MS. BAIR: Thank you, your Honor. I
7 would like to ask that we mark -- and I'm just going
8 to go down the exhibits. I believe we already marked
9 Staff Report as Staff Exhibit 1.

10 ALJ ST. JOHN: Yes.

11 MS. BAIR: Bellamy testimony as Staff
12 Exhibit 2, DeLong testimony as Staff Exhibit 3,
13 November testimony as Staff Exhibit 4, Conklin
14 testimony as Staff Exhibit 6, Butler testimony as
15 Staff Exhibit 7, Conway testimony as Staff Exhibit 8,
16 Crawford testimony as Staff Exhibit 9, and Morrison
17 testimony as Staff Exhibit 10. And I would move
18 those into evidence.

19 ALJ ST. JOHN: And does that motion
20 include Staff Exhibit 1 as well?

21 MS. BAIR: Yes, Staff Exhibit 1.

22 ALJ ST. JOHN: Any objection to the
23 admission of Staff Exhibits 1 through 4 and 6 through
24 10?

25 MR. SECREST: No, your Honor.

1 MR. VAN KLEY: No.

2 MS. CURTIS: No.

3 ALJ ST. JOHN: Hearing none those are
4 admitted. And the reason I omitted Staff Exhibit 5
5 is because that was admitted into the record
6 yesterday.

7 (EXHIBITS MARKED/ADMITTED IN EVIDENCE.)

8 ALJ ST. JOHN: So with that, anything
9 further from Staff?

10 MS. BAIR: No. Thank you, your Honor.

11 ALJ ST. JOHN: Thank you. While we were
12 off the record we briefly discussed a briefing
13 schedule for this case, and the dates that were
14 discussed were initial post hearing briefs to be due
15 November 18th, and reply brief to be due
16 December 9th.

17 Are there any objections to moving
18 forward with those dates?

19 MR. SECREST: No, your Honor.

20 MS. BAIR: No.

21 MR. VAN KLEY: No, your Honor.

22 ALJ ST. JOHN: Thank you. Hearing none,
23 those will be the due dates for the post hearing
24 briefs.

25 And is there anything further from any

of the parties before we conclude? All right. With that, thank you all for your participation, and have a great rest of your afternoon.

(Thereupon, the hearing was
adjourned at 2:10 p.m.)

- - -

CERTIFICATE

I do hereby certify that the foregoing
is a true and correct transcript of the proceedings
taken by me in this matter on Tuesday, September 27,
2022, and carefully compared with my original
stenographic notes.

Valerie J. Grubaugh,
Court Reporter and Notary
Public in and for the State
of Ohio.

My commission expires August 11, 2026.

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in

Case No(s). 20-1680-EL-BGN

Summary: Transcript September 27th 2022 In the Matter of the Application of Yellow Wood Solar Energy, LLC for a Certificate of Environmental Compatibility and Public Need to Construct a Solar-Powered Electric Generation Facility in Clinton County, Ohio. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Grubaugh, Valerie