

BEFORE THE OHIO POWER SITING BOARD

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In the Matter of the :  
Application of Scioto :  
Farms Solar Project, LLC, :  
for a Certificate of :  
Environmental : Case No. 21-868-EL-BGN  
Compatibility and Public :  
Need to Construct a :  
Solar-Powered Electric :  
Generation Facility in :  
Pickaway County, Ohio. :

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PROCEEDINGS

before Ms. Megan Addison, Administrative Law Judge,  
at the Ohio Power Siting Board, 180 East Broad  
Street, Room 11-A, Columbus, Ohio, called at 9:33  
a.m. on Thursday, March 2, 2023.

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VOLUME IV

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ARMSTRONG & OKEY, INC.  
222 East Town Street, Second Floor  
Columbus, Ohio 43215-5201  
(614) 224-9481 - (800) 223-9481

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APPEARANCES:

Bricker & Eckler, LLP  
By Ms. Sommer Sheely,  
Ms. Kara H. Herrnstein,  
Mr. Aaron Bruggeman,  
and Ms. Jennifer A. Flint  
100 South Third Street  
Columbus, Ohio 43215

On behalf of the Applicant.

Van Kley Law, LLC  
By Mr. Jack A. Van Kley  
132 Northwoods Boulevard, Suite C-1  
Columbus, Ohio 43235

On behalf of the Intervenors Ebenhacks.

Pickaway County Prosecutor's Office  
By Mr. Robert A. Chamberlain,  
Assistant Prosecuting Attorney  
203 South Scioto Street  
Circleville, Ohio 43113

On behalf of the Intervenors Wayne  
Township, Pickaway County.

Kegler, Brown, Hill & Ritter  
By Mr. Robert Dove  
65 East State Street, Suite 1800  
Columbus, Ohio 43215

On behalf of the IBEW Local 575 and Ohio  
Partners for Affordable Energy.

Ohio Farm Bureau Federation  
By Ms. Leah Finney Curtis  
280 North High Street, Sixth Floor  
Columbus, Ohio 43215

On behalf of the Ohio Farm Bureau  
Federation.

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APPEARANCES: (Continued)

Dave Yost, Ohio Attorney General  
By Mr. Robert Eubanks,  
Mr. Shaun Lyons,  
and Mr. Werner L. Margard, III  
Assistant Attorneys General  
30 East Broad Street, 26th Floor  
Columbus, Ohio 43215

On behalf of the Staff of the OPSB.

- - -

1	INDEX		
2	- - -		
3	WITNESS	PAGE	
4	Mark Bellamy		
	Direct Examination by Mr. Eubanks	651	
5	Cross-Examination by Mr. Van Kley	653	
6	Andrew Conway		
	Direct Examination by Mr. Eubanks	661	
7	Cross-Examination by Mr. Van Kley	663	
	Examination by ALJ Addison	671	
8			
	Eric Morrison		
9	Direct Examination by Mr. Eubanks	672	
	Cross-Examination by Mr. Van Kley	674	
10			
	Jess Stottsberry		
11	Direct Examination by Mr. Eubanks	679	
	Cross-Examination by Mr. Van Kley	681	
12			
	Allison Renick		
13	Direct Examination by Mr. Eubanks	685	
14	James O'Dell		
	Direct Examination by Mr. Eubanks	688	
15	Cross-Examination by Mr. Van Kley	690	
16	Thomas Crawford, PhD, PE		
	Direct Examination by Mr. Eubanks	692	
17	Cross-Examination by Ms. Herrnstein	694	
	Redirect Examination by Mr. Eubanks	703	
18	Recross-Examination by Ms. Herrnstein	707	
	Examination by ALJ Addison	709	
19	- - -		
20	APPLICANT EXHIBIT	IDENTIFIED	ADMITTED
21	2 Application filed on	I-22	712
	December 13, 2021		
22	- - -		
23	STAFF EXHIBITS	IDENTIFIED	ADMITTED
24	1 Staff Report of Investigation	III-615	711
25	- - -		

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

INDEX (Continued)

- - -

STAFF EXHIBITS	IDENTIFIED	ADMITTED
4 Prefiled Testimony of Mark Bellamy	653	658
5 Prefiled Testimony of Andrew Conway	662	672
6 Prefiled Testimony of Eric Morrison	674	679
7 Prefiled Testimony of Jess Stottsberry	681	684
8 Prefiled Testimony of Allison Renick	686	687
9 Prefiled Testimony of James O'Dell	689	691
10 Prefiled Testimony of Thomas Crawford	693	711

- - -

EBENHACK EXHIBIT	IDENTIFIED	ADMITTED
15 Yellowbud Solar Geotechnical Report	654	--

- - -

WAYNE TOWNSHIP EXHIBIT	IDENTIFIED	ADMITTED
2 Resolution No. PC-034052230	713	713

- - -

1  
2  
3  
4  
5  
6  
7  
8  
9  
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11  
12  
13  
14  
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16  
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Thursday Morning Session,  
March 2, 2023.

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ALJ ADDISON: With that let's go ahead  
and go on the record.

Good morning, everyone. Today is the  
fourth day of hearing scheduled for Case No.  
21-868-EL-BGN captioned in the Matter of the  
Application of Scioto Farms Solar Project, LLC, for a  
Certificate of Environmental Compatibility and Public  
Need to Construct a Solar-Powered Electric Generation  
Facility in Pickaway County, Ohio.

Without further delay, I believe we are  
going to pick up where we left off yesterday,  
Mr. Eubanks. Is Staff prepared to call its next  
witness?

MR. EUBANKS: Yes, your Honor. I would  
like to call to the stand Jim O'Dell.

I'll call to the stand Mark Bellamy.

ALJ ADDISON: Thank you, Mr. Eubanks.  
And just because we are operating in a much bigger  
room, if everyone could project when they are  
speaking, I would greatly appreciate it. I know the  
court reporter will appreciate it as well.

Welcome, Mr. Bellamy.

1 (Witness sworn.)

2 ALJ ADDISON: Thank you. Please be  
3 seated.

4 - - -

5 MARK BELLAMY

6 being first duly sworn, as prescribed by law, was  
7 examined and testified as follows:

8 DIRECT EXAMINATION

9 By Mr. Eubanks:

10 Q. Good morning. Could you please state and  
11 spell your name for the record.

12 A. My name is -- I don't know if this is  
13 working.

14 ALJ ADDISON: It might need a new  
15 battery.

16 Let's go off the record for a moment.

17 (Discussion off the record.)

18 ALJ ADDISON: Go ahead and go back on the  
19 record.

20 A. So you asked for my name and work address  
21 or?

22 Q. (By Mr. Eubanks) Your name and spell your  
23 name.

24 A. Okay. Sure. My name is Mark Bellamy,  
25 M-A-R-K B-E-L-L-A-M-Y.

1           Q.    And did you file testimony in this  
2 matter?

3           A.    Yes.

4           Q.    And was it prepared by you or with your  
5 assistance?

6           A.    Yes.

7           Q.    If I were to show you your testimony,  
8 would you be able to identify it?

9           A.    Yes.

10           MR. EUBANKS:   May I approach the witness?

11           ALJ ADDISON:   You may.

12           Q.    (By Mr. Eubanks) Could you identify the  
13 document in front of you?

14           A.    Yes.   This is my prefiled testimony.

15           Q.    Okay.   That you docketed with the  
16 Commission on February 13, 2023?

17           A.    Yes, I'm sorry.   Yes.

18           Q.    Is it a true and accurate copy?

19           A.    Yes.

20           Q.    If I were to ask you the same questions  
21 that can be found in your testimony here today, would  
22 you provide the same answers?

23           A.    Yes.

24           Q.    Are there any corrections you would like  
25 to make?



1           A.     No.

2           MR. EUBANKS: I would like to mark  
3 Mr. Bellamy's testimony as Staff's Exhibit 4.

4           ALJ ADDISON: It will be so marked.

5           (EXHIBIT MARKED FOR IDENTIFICATION.)

6           MR. EUBANKS: I would like to then move  
7 to have Staff's Exhibit 4 moved into evidence,  
8 subject to cross-examination, and I offer the witness  
9 for cross.

10          ALJ ADDISON: Thank you, Mr. Eubanks.

11          Does the Applicant have any questions for  
12 this witness?

13          MS. HERRNSTEIN: No, your Honor.

14          ALJ ADDISON: Thank you. I am just going  
15 to go down the line. Everyone is a different seat,  
16 so it's messing up my order. Mr. Van Kley?

17          MR. VAN KLEY: Yes, your Honor. Thank  
18 you.

19                                 - - -

20                                 CROSS-EXAMINATION

21 By Mr. Van Kley:

22           Q.     Good morning, Mr. Bellamy.

23           A.     Good morning.

24           Q.     You were involved in the certification of  
25 the Yellowbud facility, correct?

1 A. Yes.

2 Q. In fact, you testified in that case?

3 A. I can't remember, but it -- it's quite  
4 possible.

5 Q. Okay. You reviewed the application by  
6 Yellowbud Solar in that case?

7 A. Yes.

8 Q. Okay.

9 MR. VAN KLEY: Your Honor, at this time I  
10 would like to mark our next exhibit as Ebenhack's  
11 Exhibit 15 which is the Yellowbud Solar geotechnical  
12 report.

13 ALJ ADDISON: It will be so marked.

14 (EXHIBIT MARKED FOR IDENTIFICATION.)

15 Q. (By Mr. Van Kley) Mr. Bellamy, I have  
16 provided you with Ebenhack's Exhibit 15 which  
17 according to the title is the "Yellowbud Solar  
18 Geotechnical Report Exhibit C." And if you look at  
19 the last page, do you see that there is a time stamp  
20 on this document showing that it was filed in the  
21 Yellowbud Solar case?

22 A. Yes.

23 Q. Okay. I would like to direct your  
24 attention to page 2, that's the true page 2 of the  
25 document. And do you see there on that page under

1 the heading "Site Conditions" and then for the item  
2 ground -- "Current Ground Cover" some text to the  
3 right of that?

4 A. Yes.

5 Q. Okay. And let's take a look at the first  
6 three sentences on that page which state "Finished  
7 grade elevations have not been provided at this time.  
8 Finished grade elevations are assumed to be close to  
9 the existing ground surface elevation. It is  
10 anticipated that the site work will involve a nominal  
11 amount of cut/fill to develop final grade for the  
12 solar facility." Do you see that?

13 A. Yes.

14 Q. Then if you go to page 3 of the same  
15 document, I would like to direct your attention to  
16 the item entitled "Grading." And there are two  
17 sentences to the right of that item heading which  
18 read as follows: "We understand that where possible  
19 it is desirable to minimize grading, without  
20 extensive earthwork or treatment of in-situ soils.  
21 Therefore, we anticipate that the solar field final  
22 grades will generally follow the existing site grades  
23 with nominal grading (i.e. cut/fill up to 2 feet."  
24 Do you see that?

25 A. Yes.

1           Q.    Okay.  So based on your experience with  
2   Power Siting cases including the Yellowbud case, is  
3   it fair to say that -- that Yellowbud Solar committed  
4   to building its facility with a minimal amount of  
5   grading?

6           A.    I didn't work on the grading or geology  
7   for Yellowbud Solar, so I can't really talk about  
8   what they have committed to outside of what is in  
9   this report that I haven't read this report before.

10           ALJ ADDISON:  Mr. Bellamy, did you review  
11   this report in preparation of -- if you remember, I  
12   know you weren't sure if you had testified in the  
13   Yellowbud Solar case, would you have reviewed this  
14   report in preparation if you had testified in that  
15   proceeding?

16           THE WITNESS:  No.

17           Q.    (By Mr. Van Kley) But you -- you are  
18   aware, are you not, that the contents of applications  
19   provided to the Board including the application  
20   provided to the Yellowbud -- by Yellowbud Solar in  
21   its proceeding are binding requirements for the  
22   Applicant to follow?

23           MR. EUBANKS:  I object.

24           ALJ ADDISON:  Grounds?

25           MR. EUBANKS:  Outside the scope of his

1 testimony. He's here supporting conditions 23, 24,  
2 and 39.

3 ALJ ADDISON: Mr. Eubanks, could you just  
4 speak up just a little bit?

5 MR. EUBANKS: Okay. I'm sorry.

6 ALJ ADDISON: I'm sorry. Thank you.

7 MR. EUBANKS: He is here supporting  
8 conditions 23, 24, and 39. I have been waiting to  
9 see how the questioning is in any way at all relevant  
10 to the areas that he is testifying to here today, and  
11 it's not. It's outside the scope of his -- of his  
12 testimony.

13 ALJ ADDISON: Thank you, Mr. Eubanks. I  
14 tend to agree, and Mr. Bellamy has already indicated  
15 that he's not seen this report. He didn't review  
16 this report. He would not have reviewed this report  
17 in the event that he did prepare testimony in the  
18 Yellowbud Solar case, so I am going to sustain the  
19 objection.

20 MR. VAN KLEY: I have no further  
21 questions at this time.

22 ALJ ADDISON: Thank you very much,  
23 Mr. Van Kley.

24 Mr. Chamberlain?

25 MR. CHAMBERLAIN: None, your Honor.

1 ALJ ADDISON: Mr. Dove?

2 MR. DOVE: No questions, your Honor.

3 ALJ ADDISON: Ms. Curtis?

4 MS. CURTIS: No questions, your Honor.

5 ALJ ADDISON: Any redirect, Mr. Eubanks?

6 MR. EUBANKS: No, your Honor.

7 ALJ ADDISON: I have no additional  
8 questions, Mr. Bellamy. Thank you very much.

9 THE WITNESS: Thank you.

10 ALJ ADDISON: Mr. Eubanks had previously  
11 moved for the admission of Staff Exhibit 4 into the  
12 record. Are there any objections at this time?

13 MR. VAN KLEY: No.

14 MR. CHAMBERLAIN: No, your Honor.

15 ALJ ADDISON: It will be admitted.

16 (EXHIBIT ADMITTED INTO EVIDENCE.)

17 ALJ ADDISON: Let's go off the record for  
18 a moment.

19 (Discussion off the record.)

20 ALJ ADDISON: Let's go ahead and go back  
21 on the record.

22 Mr. Van Kley, will you be moving Ebenhack  
23 Exhibit 15?

24 MR. VAN KLEY: Yes, your Honor. And as a  
25 preface for -- for moving that exhibit, I would note

1     that a prior witness testified that the -- the  
2     certificate for the Yellowbud facility required  
3     Yellowbud to follow all of the requirements in its  
4     application and that the -- Mr. Bellamy has testified  
5     that this Exhibit 15 is part of that application. So  
6     I think that provides the -- the basis for admitting  
7     this document into evidence in this proceeding  
8     because the -- one of the relevant questions here  
9     that's been raised by the Applicant is whether the  
10    grading requirements for Yellowbud are different than  
11    the grading requirements in this case.

12                 ALJ ADDISON: Wouldn't it have been more  
13    appropriate to introduce this exhibit when that  
14    witness testified to that matter?

15                 MR. VAN KLEY: Well, that witness was one  
16    of the Applicant's witnesses.

17                 ALJ ADDISON: Nothing precludes you from  
18    introducing an exhibit just as you are doing right  
19    now with Staff's witnesses.

20                 MR. VAN KLEY: Yeah. But I would expect  
21    that the Staff would be more prone to recognizing  
22    that a document is part of the application just  
23    given -- just given the fact that there is a time  
24    stamp on it and that they are familiar with the  
25    process for -- for applications and would recognize

1 that document as being part of that application so.

2 ALJ ADDISON: Well, I would note each  
3 Staff witness is here to sponsor certain testimony.  
4 Mr. Bellamy has clearly indicated that was not his  
5 role in Yellowbud nor is it his role for this  
6 application for evaluation of such a study.

7 Mr. Eubanks, did you have anything to  
8 add?

9 MR. EUBANKS: Your Honor, I believe it's  
10 clear that this document -- there was not a proper  
11 foundation laid with this witness for the  
12 introduction of this document. Whether or not there  
13 was a proper foundation laid earlier in this hearing,  
14 I can't speak to it because I really can't remember  
15 questions -- whether or not questions were asked  
16 regarding this document, but it wasn't properly laid  
17 with this witness.

18 MR. VAN KLEY: Well, your Honor, the  
19 foundation is the identification of the document as  
20 part of the Yellowbud application. That was  
21 established. That's really the only foundation  
22 that's necessary here.

23 ALJ ADDISON: I disagree with that. I'm  
24 going to -- based on the arguments and the discussion  
25 that we've had, I am not going to be moving Ebenhack



1 Exhibit No. 15 into the record at this time.

2 Mr. Eubanks, you may call your next  
3 witness.

4 MR. EUBANKS: Thank you, your Honor. At  
5 this time I would like to call to the stand Andrew  
6 Conway.

7 ALJ ADDISON: Welcome, Mr. Conway. Raise  
8 your right hand.

9 (Witness sworn.)

10 ALJ ADDISON: Thank you. Please be  
11 seated.

12 - - -

13 ANDREW CONWAY

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

16 DIRECT EXAMINATION

17 By Mr. Eubanks:

18 Q. Hello. Could you please state and spell  
19 your name for the record.

20 A. Andrew Conway, A-N-D-R-E-W C-O-N-W-A-Y.

21 Q. Did you file testimony in this matter?

22 A. Yes.

23 Q. And was it prepared by you or with your  
24 assistance?

25 A. Yes. I prepared it.

1           Q.    And if I were to show you your testimony,  
2           would you be able to identify it?

3           A.    Yes.

4           MR. EUBANKS:   May I approach the witness?

5           ALJ ADDISON:   You may.

6           Q.    (By Mr. Eubanks) Mr. Conway, could you  
7           please identify the document I have just handed you.

8           A.    This is my prefiled written testimony.

9           MR. EUBANKS:   Your Honor, I would like to  
10          have marked as Staff's Exhibit 5 the prefiled  
11          testimony of Andrew Conway.

12          ALJ ADDISON:   So marked.

13          (EXHIBIT MARKED FOR IDENTIFICATION.)

14          Q.    (By Mr. Eubanks) Could you please take a  
15          look at the document and tell me whether or not it's  
16          a true and accurate copy.

17          A.    Yes, it is.

18          Q.    It's the same testimony that was docketed  
19          with the Commission on February 13, 2023?

20          A.    I believe so, yes.

21          Q.    If I was to ask you the same questions  
22          that could be found in your testimony here today,  
23          would you provide the same answers?

24          A.    Yes, I would.

25          Q.    Are there any corrections you would like

1 to make?

2 A. No.

3 MR. EUBANKS: Your Honor, I would like to  
4 move to have Staff's Exhibit 5 admitted into  
5 evidence, subject to cross-examination, and I'll  
6 offer the witness for cross.

7 ALJ ADDISON: Thank you.

8 Does the Applicant have any questions?

9 MS. HERRNSTEIN: No, your Honor.

10 ALJ ADDISON: Thank you.

11 Mr. Van Kley?

12 MR. VAN KLEY: Yes, your Honor. Thank  
13 you.

14 - - -

15 CROSS-EXAMINATION

16 By Mr. Van Kley:

17 Q. Good morning, Mr. Conway.

18 A. Good morning.

19 Q. Let's go to answer 10 of your prefiled  
20 testimony.

21 A. I'm there.

22 Q. And in this answer to your testimony, you  
23 explain why the Staff is recommending condition 10  
24 with the changes outlined in your answer to question  
25 9; is that correct?

1           A.    Yes.

2           Q.    Directing your attention to lines 25, 26,  
3           and 27 on that page, I'll read you the sentence that  
4           I would like to ask you about which states  
5           "Subsequent to the filing of the Staff Report, Staff  
6           has observed erosion issues, drainage issues, and  
7           heavy equipment use not confined to access roads  
8           during construction of solar farms." Did I read that  
9           correctly?

10          A.    Yes, you did.

11          Q.    Let me ask you a few questions about this  
12          statement. First of all, would you explain what  
13          erosion issues have been observed by the Staff?

14          A.    We observed excess sediment and mud on  
15          the public roads at the entrances to solar farms, the  
16          Big Plain Solar farm, and I believe other Staff the  
17          Yellowbud facility had notice of violation from the  
18          Ohio EPA about noncompliance with its stormwater  
19          construction permit.

20          Q.    And can you explain what drainage issues  
21          have been observed by the Staff at other facilities?

22          A.    We -- we saw some excess ponding and  
23          unauthorized filling in of a drainage way that is  
24          used to -- for drainage.

25          Q.    Okay. At what other facility or

1 facilities did the Staff notice these drainage  
2 issues?

3 A. The ponding issues was at the Big Plain  
4 Solar facility. And the drainage and some of the  
5 wet -- drainage were at the Fox Squirrel facility.

6 Q. Has the Staff noticed drainage issues at  
7 the Yellowbud facility?

8 A. I did not observe those. I can't speak  
9 to that.

10 Q. Okay. Continuing on with my questions  
11 about your testimony, what's meant by the reference  
12 to heavy equipment use not confined to access roads  
13 during construction of solar farms?

14 A. Staff did a site visit to the Fox  
15 Squirrel facility, and the construction access roads  
16 were -- there's a process to building those and  
17 before that -- before the access roads -- that  
18 process was complete, there was grading equipment and  
19 heavy machine -- heavy trucks and other construction  
20 equipment not traveling -- not traveling on the road  
21 but traveling near the road or just cutting across  
22 the field in general without an access road.

23 Q. Let's go to -- to the next page of your  
24 testimony. We're still in answer 10. Let's look at  
25 lines 3 and 4 on that page which states as follows:

1 "On page 86 of the application, the Applicant has  
2 explained that only limited grading is required."

3 Did I read that correctly?

4 A. Yes.

5 Q. Have you had the opportunity to review  
6 applications for other solar facilities?

7 A. Yeah, yes, I have.

8 Q. Okay. And have you had the opportunity  
9 to review commitments in any of those other solar  
10 facility applications to -- in which the Applicant  
11 committed to doing only minimal grading?

12 A. Yes. That's the general consensus, they  
13 do minimal or limited grading.

14 Q. So it's typical in a solar facility  
15 application for the Applicant to represent that only  
16 minimal grading will be done?

17 A. That's correct.

18 Q. Okay. Do you happen to know whether that  
19 commitment was made in the application for the  
20 Yellowbud Solar facility?

21 A. I don't recall.

22 Q. Were you involved in the certification  
23 for that facility?

24 A. Yes.

25 Q. Did you -- well, let me ask -- let me ask

1 you just to take a look at Ebenhack's Exhibit 15 in  
2 front of you.

3 A. I have it.

4 Q. Okay. Do you recall whether you reviewed  
5 Ebenhack's Exhibit 15 which is Exhibit C to the  
6 Yellowbud Solar facility during the time you were  
7 involved in the certification of the Yellowbud  
8 facility?

9 A. I don't recall. I may have.

10 Q. In your experience with solar facilities  
11 that have been cert -- certificated by the Board, can  
12 you tell me the percentage of the project area that  
13 is typically graded?

14 A. For what project or?

15 Q. For other solar facilities you have been  
16 involved with.

17 A. Other, I believe the -- my only  
18 recollection I think is Blossom Solar. It was less  
19 than 15 percent, but I don't recall the specific  
20 number. It was -- it may have been on the cusp of  
21 15 percent or less.

22 Q. Can you identify any solar facility that  
23 has been either built or has received a  
24 certification -- a certificate from the Board where  
25 it was expected that the grading would occur on more

1 than 15 percent of the project area?

2 A. I don't -- I don't remember a specific  
3 case. The grading has been -- the Staff has at least  
4 since the Scioto Farms project been recommending a  
5 grading condition limiting it to 15 percent or less,  
6 and in this case a goal of 5 percent, so I don't -- I  
7 don't know if there's -- the grading has been  
8 relatively -- has been conditioned since the time the  
9 Staff Report was issued.

10 Q. Do you know how -- what percentage of the  
11 project area in the Yellowbud Solar facility was  
12 graded?

13 A. Not exactly.

14 Q. Do you have any reason to believe that  
15 more than 15 percent of the project area in the  
16 Yellowbud Solar facility was graded?

17 A. I believe the facts of that Yellowbud are  
18 outlined in the notice of violation by the Ohio EPA,  
19 but I don't -- it could be different than -- than 15  
20 percent.

21 Q. Uh-huh. But do you know for a fact that  
22 more than 15 percent of the project area in the  
23 Yellowbud Solar facility was graded?

24 A. No, I don't know that.

25 Q. Or do you just not know?



1           A.    I don't know.

2           Q.    Okay.  Let's go to answer 10 of your  
3 testimony again.  And let's look at the first part of  
4 your answer starting with line 22 and I will just  
5 read the sentence to you that I want to ask you  
6 about.  It's the first sentence in answer 10 which  
7 states "Subsequent to the filing of the Staff Report,  
8 Staff has further conferred with personnel from Ohio  
9 Department of Agriculture about the impacts to  
10 agricultural land used for crop production after  
11 grading has occurred."  Did I read that correctly?

12          A.    Yes.

13          Q.    Now let's go to the next page where  
14 you -- actually let's go to the bottom of that page  
15 that we were on, the very last part of that page  
16 starts a new sentence that goes onto the next page.  
17 Do you see the sentence starting with "Staff  
18 learned"?

19          A.    Yes.

20          Q.    Okay.  So let me read that sentence to  
21 you.  "Staff learned from Ohio Department of  
22 Agriculture that extensive grading and  
23 over-compaction with heavy equipment can be an  
24 impediment to returning land to agricultural use."  
25 Did I read that correctly?

1           A.    Yes.

2           Q.    Okay.  So with regard to the two  
3   sentences that I just read to you, can you explain to  
4   us what you learned concerning how extensive grading  
5   and over-compaction with heavy equipment can be an  
6   impediment returning land to agricultural use?

7           A.    Yes.  The Staff learned that extensive  
8   grading can lead to excess soil erosion and loss of  
9   top -- topsoil and that over-compaction with heavy  
10  equipment could diminish and reduce the crop  
11  productivity so it won't be as productive as  
12  uncompacted soil.

13          Q.    Okay.  Do you know whether the topsoil  
14  that was graded at Yellowbud was segregated from the  
15  rest of the land there?

16          A.    I don't know.

17               MR. VAN KLEY:  All right.  Your Honor, I  
18  have nothing further at this time.

19               ALJ ADDISON:  Thank you.

20               Mr. Chamberlain?

21               MR. CHAMBERLAIN:  Nothing, your Honor.

22  Thank you.

23               ALJ ADDISON:  Mr. Dove?

24               MR. DOVE:  Nothing your Honor, thank you.

25               ALJ ADDISON:  Ms. Curtis?

1 MS. CURTIS: No questions, your Honor.

2 ALJ ADDISON: Mr. Eubanks?

3 MR. EUBANKS: I have no questions, your  
4 Honor, no redirect.

5 ALJ ADDISON: Thank you.

6 - - -

7 EXAMINATION

8 By ALJ Addison:

9 Q. And, Mr. Conway, if you'll just answer  
10 maybe one or two questions that I have just to  
11 clarify. In question 10 -- your answer to question  
12 10 in your testimony, Mr. Van Kley asked you about  
13 certain concerns following observations you made at  
14 additional -- or other solar farms; is that correct?

15 A. Yes.

16 Q. And in your answer to question 9, I  
17 believe it starts on page 4 of your testimony, the  
18 conditions that you are recommending, of course, with  
19 the changes outlined in your answer here to condition  
20 10, does that in Staff's mind alleviate the concerns  
21 noted in answer 10?

22 A. Yes. These conditions Staff believes are  
23 the best practice and -- best practices to alleviate  
24 those concerns.

25 ALJ ADDISON: Thank you very much,

1 Mr. Conway. That's all my questions. We appreciate  
2 your testimony.

3 Mr. Eubanks previously moved for the  
4 admission of Staff Exhibit 5 into the record. Are  
5 there any objections?

6 Hearing none, it will be admitted.

7 (EXHIBIT ADMITTED INTO EVIDENCE.)

8 ALJ ADDISON: Mr. Eubanks.

9 MR. EUBANKS: Yes, your Honor. Next I  
10 would like to call to the stand Eric Morrison.

11 ALJ ADDISON: Welcome, Mr. Morrison.  
12 Please raise your right hand.

13 (Witness sworn.)

14 ALJ ADDISON: Please be seated.

15 - - -

16 ERIC MORRISON

17 being first duly sworn, as prescribed by law, was  
18 examined and testified as follows:

19 DIRECT EXAMINATION

20 By Mr. Eubanks:

21 Q. Please state and spell your name for the  
22 record.

23 A. Eric Morrison, E-R-I-C M-O-R-R-I-S-O-N.

24 Q. Did you file testimony in this matter?

25 A. Yes.

1           Q.    And was it prepared by you or with your  
2 assistance?

3           A.    Yes.

4           Q.    If I were to hand you your testimony,  
5 would you be able to identify it?

6           A.    Yes.

7           MR. EUBANKS:   May I approach the witness?

8           ALJ ADDISON:   You may.

9           Q.    (By Mr. Eubanks) Could you please  
10 identify the document I've handed to you.

11          A.    This is my prefiled testimony.

12          Q.    Could you -- is this the prefiled  
13 testimony filed on February 13, 2023?

14          A.    Yes.

15          Q.    Is it a true and accurate copy?

16          A.    Yes.

17          Q.    If I were to ask you the same questions  
18 that are found in your testimony, would you provide  
19 the same answers today?

20          A.    Yes.

21          Q.    Are there any corrections you would like  
22 to make?

23          A.    No.

24          MR. EUBANKS:   I would like to have -- if  
25 I haven't already done so, I would like to have this

1 marked as Staff's Exhibit 6.

2 ALJ ADDISON: It will be so marked.

3 (EXHIBIT MARKED FOR IDENTIFICATION.)

4 MR. EUBANKS: And I would like to move to  
5 have admitted Staff Exhibit 6, subject to  
6 cross-examination, and I'll offer the witness for  
7 cross.

8 ALJ ADDISON: Thank you very much.

9 Any questions on behalf of the Applicant?

10 MS. HERRNSTEIN: No, your Honor.

11 ALJ ADDISON: Thank you.

12 Mr. Van Kley?

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

14 - - -

15 CROSS-EXAMINATION

16 By Mr. Van Kley:

17 Q. Mr. Morrison, you were involved in  
18 reviewing transportation issues for this project?

19 A. Yes.

20 Q. And looking at condition 16 that was  
21 recommended in the Staff Report, you were the person  
22 that recommended that condition, right?

23 A. Yes. I sponsored that condition.

24 Q. As part of your review of the application  
25 in this case, did you study the potential impacts of

1 project construction on the quality of the roads in  
2 the area? Or maybe a better way to phrase it is  
3 did -- was it your role to determine whether  
4 construction of this project might damage local  
5 public roads?

6 A. It is my responsibility to make sure that  
7 any possible damage to public roads would be  
8 mitigated by the Applicant due to construction of the  
9 project, construction and operation.

10 Q. Uh-huh. And that mitigation would occur  
11 after the project construction is finished?

12 A. It would depend on the agreements that  
13 they enter in with the appropriate regulatory  
14 authority, whether -- whether it be temporary repairs  
15 during construction to get the roads through to -- to  
16 the end of construction which more permanent repairs  
17 would be made.

18 Q. Is there anything in the conditions  
19 recommended by the staff that would require temporary  
20 repairs during the process of constructing the  
21 facility?

22 A. The condition delegates those details to  
23 the appropriate regulatory authorities.

24 Q. Have you had the -- have you looked at  
25 the local roads nearby other solar facilities during

1 the time they have been under construction?

2 A. Yes.

3 Q. Okay. And which other facilities have  
4 you done that?

5 A. Many.

6 Q. Okay. Can you name the ones that you  
7 recollect?

8 A. Yes. There is going to be quite a few,  
9 Nestlewood, Highland, Madison Fields, Big Plains, Fox  
10 Squirrel, Yellowbud just to name a few.

11 Q. Okay. And in the case of those  
12 facilities where you've observed the conditions of  
13 the public roads, can you summarize what you saw with  
14 respect to any damage that occurred to those public  
15 roads?

16 A. Generally the county roads and the state  
17 routes were always in good condition. Where you  
18 might see some degradation would be on the township  
19 roads where the -- they are not quite as well  
20 constructed as those other main thoroughfares.

21 Q. Did you make any observations about  
22 damage to the roads around the Yellowbud project?

23 A. The information I did not have at my  
24 disposal and I have not compared is before and after  
25 conditions off the top of my head here today.



1           Q.    Okay.  At the time that you saw the roads  
2 around Yellowbud, what were their condition?

3           A.    They were generally acceptable.

4           Q.    Generally acceptable?

5           A.    Uh-huh.

6           Q.    Did you have the opportunity to look at  
7 Ebenhack Road?

8           A.    Yes.

9           Q.    And you think that was generally  
10 acceptable?

11          A.    When I was there, it was -- it wasn't  
12 impassible, but it could have been in better  
13 condition.

14          Q.    Uh-huh.  Well, was there any pavement  
15 left on that road when you were there?

16          A.    Yes.

17          Q.    There was, okay.

18                ALJ ADDISON:  Do you remember  
19 approximately when you visited Ebenhack Road?

20                THE WITNESS:  I can't recall if it was  
21 fourth quarter last year or first quarter this year.

22                ALJ ADDISON:  Thank you.

23          Q.    (By Mr. Van Kley) So what -- in your view  
24 how much damage to a public road do you think is  
25 acceptable during the construction of a solar

1 project?

2 A. I believe the road must be maintained in  
3 a -- to a state to where it's not a cause for concern  
4 for public safety.

5 MR. VAN KLEY: Okay. I have nothing  
6 further, your Honor.

7 ALJ ADDISON: Thank you very much,  
8 Mr. Van Kley.

9 Mr. Chamberlain?

10 MR. CHAMBERLAIN: Nothing, your Honor.  
11 Thank you.

12 ALJ ADDISON: Mr. Dove?

13 MR. DOVE: No questions, your Honor.  
14 Thank you.

15 ALJ ADDISON: Ms. Curtis?

16 MS. CURTIS: No questions, your Honor.

17 ALJ ADDISON: Mr. Eubanks, any redirect?

18 MR. EUBANKS: No redirect, your Honor.

19 ALJ ADDISON: I have no additional  
20 questions, Mr. Morrison. You are excused.

21 THE WITNESS: Okay. Thank you.

22 ALJ ADDISON: Thank you very much.

23 Mr. Eubanks previously moved Staff  
24 Exhibit 6 into the record. Are there any objections  
25 at this time?

1 MR. VAN KLEY: No, your Honor.

2 MR. CHAMBERLAIN: No.

3 ALJ ADDISON: Hearing none, it will be  
4 admitted.

5 (EXHIBIT ADMITTED INTO EVIDENCE.)

6 ALJ ADDISON: Mr. Eubanks, you may call  
7 your next witness.

8 MR. EUBANKS: Yes, your Honor. I would  
9 like to call -- I'll call Allison Renick.

10 I'll call Jess Stottsberry.

11 ALJ ADDISON: Thank you very much.

12 Welcome, Mr. Stottsberry. Please raise  
13 your right hand.

14 (Witness sworn.)

15 ALJ ADDISON: Thank you. Please be  
16 seated.

17 - - -

18 JESS STOTTSBERRY

19 being first duly sworn, as prescribed by law, was  
20 examined and testified as follows:

21 DIRECT EXAMINATION

22 By Mr. Eubanks:

23 Q. Please state and spell your name for the  
24 record.

25 A. Jess Stottsberry, J-E-S-S

1 S-T-O-T-T-S-B-E-R-R-Y.

2 Q. Did you file testimony in this matter?

3 A. Yes, I did.

4 Q. And if I were to hand you a document that  
5 was your testimony, would you be able to identify it?

6 A. Yes.

7 MR. EUBANKS: May I approach the witness?

8 ALJ ADDISON: You may.

9 Q. (By Mr. Eubanks) Would you please  
10 identify the document I have handed to you.

11 A. This is my prefiled testimony.

12 Q. Docketed with the Commission on February  
13 13, 2023?

14 A. Yes.

15 Q. Is it a true and accurate copy?

16 A. Yes.

17 Q. If I were to ask you the same questions  
18 today that are found in your testimony, would you  
19 provide the same answers?

20 A. Yes.

21 Q. Are there any corrections you would like  
22 to make?

23 A. No.

24 MR. EUBANKS: I would like to have  
25 Mr. Stottsberry's testimony marked as Staff's

1 Exhibit 7.

2 ALJ ADDISON: It will be so marked.

3 (EXHIBIT MARKED FOR IDENTIFICATION.)

4 MR. EUBANKS: And at this time I would  
5 like to move to have admitted Staff's Exhibit 7,  
6 subject to cross-examination, and I will offer the  
7 witness for cross.

8 ALJ ADDISON: Thank you, Mr. Eubanks.

9 Any questions on behalf of the Applicant?

10 MS. HERRNSTEIN: No, your Honor.

11 ALJ ADDISON: Thank you.

12 Mr. Van Kley?

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

14 - - -

15 CROSS-EXAMINATION

16 By Mr. Van Kley:

17 Q. Mr. Stottsberry, would you turn to page  
18 47 of the Staff Report.

19 A. Yes.

20 Q. All right. And you are sponsoring the  
21 section on water conservation practice on that page?

22 A. Yes.

23 Q. Would you take a look at the last  
24 sentence in the second paragraph of that section  
25 which reads "However, should water be required for

1 manually cleaning solar panels, less than a pint of  
2 water would be needed to clean each module." Did I  
3 read that correctly?

4 A. Yes.

5 Q. Where did you obtain the information for  
6 that statement?

7 A. Most likely during the application review  
8 process, whether it was -- whether it was mentioned  
9 in the application itself or whether it was addressed  
10 in our Data Request exchanges.

11 Q. All right. So the estimate of a pint or  
12 less than a pint of water per module is an estimate  
13 provided to you by the Applicant?

14 A. Yes.

15 Q. Okay. Are you aware of any general rules  
16 of thumb with regard to how much water it takes to  
17 clean a solar panel?

18 A. No.

19 Q. Did you do any research to try to find  
20 that information?

21 A. The focus on this section is water  
22 conservation and I guess our main focus is to ensure  
23 that, you know, the amount of water to -- could be  
24 used is the minimum amount and I think that they  
25 demonstrated that.

1 Q. How did they demonstrate that?

2 A. Well, their claim here is that most  
3 likely natural precipitation would clean these  
4 panels, but in the event they would need to  
5 physically clean the panels, it would just be a pint  
6 of water which seems like a de minimis or small  
7 amount of water.

8 Q. But you did no research to determine  
9 whether that estimate was accurate?

10 A. No.

11 Q. Are you familiar with estimates in other  
12 applications for solar facilities about how much  
13 water is necessary to clean a solar panel?

14 A. From my experience this estimate here  
15 would seem to be fairly consistent with other  
16 estimates we've been provided.

17 MR. VAN KLEY: All right. I have nothing  
18 else, your Honor.

19 ALJ ADDISON: Thank you very much.

20 Mr. Chamberlain?

21 MR. CHAMBERLAIN: Nothing, your Honor.

22 Thank you.

23 ALJ ADDISON: Mr. Dove?

24 MR. DOVE: No questions, your Honor.

25 ALJ ADDISON: Ms. Curtis?

1 MS. CURRY: No questions, your Honor.

2 ALJ ADDISON: Mr. Eubanks, any redirect?

3 MR. EUBANKS: I have no redirect, your  
4 Honor.

5 ALJ ADDISON: Thank you, Mr. Stottsberry.  
6 I have no additional questions. You are excused.

7 Staff Exhibit No. 7 had previously been  
8 moved for admission into the record. Are there any  
9 objections?

10 MR. VAN KLEY: No, your Honor.

11 MR. CHAMBERLAIN: No, your Honor.

12 ALJ ADDISON: Thank you all.

13 Hearing none, it will be admitted.

14 (EXHIBIT ADMITTED INTO EVIDENCE.)

15 MR. EUBANKS: At this time Staff would  
16 like to call Allison Renick.

17 ALJ ADDISON: Welcome, Ms. Renick.

18 MS. RENICK: Hi.

19 ALJ ADDISON: Please raise your right  
20 hand.

21 (Witness sworn.)

22 ALJ ADDISON: Thank you. Please be  
23 seated.

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ALLISON RENICK

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

DIRECT EXAMINATION

By Mr. Eubanks:

Q. Please state and spell your name for the  
record.

A. My name is Allison Renick, A-L-L-I-S-O-N  
R-E-N-I-C-K.

Q. And did you file testimony in this  
matter?

A. Yes, I did.

Q. And was it prepared by you or with your  
assistance?

A. Yes.

Q. If I were to show you your testimony,  
would you be able to identify it?

A. Yes.

MR. EUBANKS: May I approach the witness?

ALJ ADDISON: You may.

Q. (By Mr. Eubanks) Would you please  
identify the document I have handed you.

A. This is my prefiled testimony.

Q. Filed on February 13, 2023?

A. Correct.

1 Q. Is it a true and accurate copy?

2 A. Yes.

3 MR. EUBANKS: I would like to have marked  
4 as Staff's Exhibit 8 the testimony of Ms. Renick.

5 ALJ ADDISON: It will be so marked.

6 (EXHIBIT MARKED FOR IDENTIFICATION.)

7 Q. (By Mr. Eubanks) If I were to ask you the  
8 same questions that are found in your testimony,  
9 would you provide the same answers?

10 A. Yes.

11 Q. Are there any corrections you would like  
12 to make to your testimony?

13 A. No.

14 MR. EUBANKS: With that I would like to  
15 move to have Staff's Exhibit 8 placed into evidence,  
16 subject to cross-examination, and I will offer the  
17 witness for cross.

18 ALJ ADDISON: Thank you, Mr. Eubanks.  
19 Any questions on behalf of the Applicant?

20 MS. HERRNSTEIN: No, your Honor.

21 ALJ ADDISON: Thank you.

22 Mr. Van Kley?

23 MR. VAN KLEY: No questions.

24 ALJ ADDISON: Thank you.

25 Mr. Chamberlain?

1 MR. CHAMBERLAIN: No, your Honor. Thank  
2 you.

3 ALJ ADDISON: Mr. Dove?

4 MR. DOVE: No questions, your Honor.

5 ALJ ADDISON: Ms. Curtis?

6 MS. CURTIS: No questions, your Honor.

7 ALJ ADDISON: All right then. I have no  
8 questions at this time, Ms. Renick. You are excused.  
9 Thank you very much for your time.

10 THE WITNESS: Thank you.

11 ALJ ADDISON: Any objections to the  
12 admission of Staff Exhibit 8 into the record?

13 MR. CHAMBERLAIN: No, your Honor.

14 MR. VAN KLEY: No, your Honor.

15 ALJ ADDISON: Thank you. It will be  
16 admitted.

17 (EXHIBIT ADMITTED INTO EVIDENCE.)

18 MR. EUBANKS: At this time I would like  
19 to call to the stand Jim O'Dell.

20 ALJ ADDISON: Welcome, Mr. O'Dell.

21 MR. O'DELL: Good morning.

22 ALJ ADDISON: Raise your hand.

23 (Witness sworn.)

24 ALJ ADDISON: Thank you. Please be  
25 seated.

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JAMES S. O'DELL

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

DIRECT EXAMINATION

By Mr. Eubanks:

Q. Please state and spell your name for the  
record.

A. James S. O'Dell, J-A-M-E-S S O'Dell,  
O--D-E-L-L.

Q. Did you file testimony in this matter?

A. Yes, sir.

Q. Was it prepared with your assistance or  
prepared by you?

A. Yes.

Q. And if I were to show you your testimony,  
would you be able to identify it?

A. Yes.

MR. EUBANKS: May I approach the witness?

ALJ ADDISON: You may.

MR. EUBANKS: Can we go off the record  
for one second?

ALJ ADDISON: Let's go off the record.

(Discussion off the record.)

ALJ ADDISON: Let's go ahead and go back  
on the record.

1 Mr. Eubanks.

2 Q. (By Mr. Eubanks) Could you please  
3 identify the document I have placed in front of you.

4 A. It's my prefiled testimony.

5 Q. Is it a true and accurate copy of the  
6 testimony that was filed on February 13, 2023?

7 A. Yes, it appears so.

8 MR. EUBANKS: I would like to have marked  
9 as Staff's Exhibit 9 the prefiled testimony of  
10 Mr. O'Dell.

11 ALJ ADDISON: It will be so marked.

12 (EXHIBIT MARKED FOR IDENTIFICATION.)

13 Q. (By Mr. Eubanks) If I were to ask you the  
14 same questions that can be found in your testimony,  
15 would you provide the same answers today?

16 A. Yes, I would.

17 Q. And are there any corrections that you  
18 would like to make to your testimony?

19 A. I have none.

20 MR. EUBANKS: With that I would like to  
21 move to have Staff's Exhibit 9 placed into evidence,  
22 subject to cross-examination, and I will offer the  
23 witness for cross.

24 ALJ ADDISON: Thank you very much,  
25 Mr. Eubanks.

1 Any questions on behalf of the Applicant?

2 MS. HERRNSTEIN: No, your Honor.

3 ALJ ADDISON: Thank you.

4 Mr. Van Kley, any questions?

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

6 - - -

7 CROSS-EXAMINATION

8 By Mr. Van Kley:

9 Q. Mr. O'Dell, were you involved in the  
10 certification for the Yellowbud Solar project?

11 A. I believe I had the same role as this  
12 project here, processed quite a few questions, but I  
13 believe I had the same role, the aesthetics.

14 Q. I believe you had the -- the role to  
15 assess aesthetics in Yellowbud?

16 A. I believe so, yes.

17 MR. VAN KLEY: I have nothing else, your  
18 Honor.

19 ALJ ADDISON: Thank you very much,  
20 Mr. Van Kley.

21 Mr. Chamberlain, any questions?

22 MR. CHAMBERLAIN: No, your Honor. Thank  
23 you.

24 ALJ ADDISON: Mr. Dove?

25 MR. DOVE: No questions, your Honor.

1 ALJ ADDISON: Ms. Curtis?

2 MS. CURTIS: No questions, your Honor.

3 ALJ ADDISON: Any redirect, Mr. Eubanks?

4 MR. EUBANKS: No redirect, your Honor.

5 ALJ ADDISON: I had a feeling.

6 I have no additional questions for you,  
7 Mr. O'Dell. You are excused.

8 THE WITNESS: Thank you, ma'am.

9 ALJ ADDISON: Thank you very much for  
10 being here today.

11 Staff Exhibit 9 had previously been moved  
12 for admission into the record. Are there any  
13 objections at this time?

14 MR. CHAMBERLAIN: No, your Honor.

15 MR. VAN KLEY: No.

16 ALJ ADDISON: Thank you all. It will be  
17 admitted.

18 (EXHIBIT ADMITTED INTO EVIDENCE.)

19 ALJ ADDISON: Mr. Eubanks.

20 MR. EUBANKS: Yes, your Honor. I would  
21 like to call to the stand Thomas Crawford.

22 ALJ ADDISON: Welcome, Mr. Crawford.

23 MR. CRAWFORD: Thank you.

24 ALJ ADDISON: Please raise your right  
25 hand.

1 (Witness sworn.)

2 ALJ ADDISON: Thank you. Please be  
3 seated.

4 - - -

5 THOMAS CRAWFORD, PhD, PE  
6 being first duly sworn, as prescribed by law, was  
7 examined and testified as follows:

8 DIRECT EXAMINATION

9 By Mr. Eubanks:

10 Q. Please state and spell your name for the  
11 record.

12 A. Thomas Crawford, that's T-H-O-M-A-S  
13 C-R-A-W-F-O-R-D.

14 Q. And did you file testimony in this  
15 matter?

16 A. I did.

17 Q. Was it prepared by you or with your  
18 assistance?

19 A. Prepared by me.

20 Q. And if I were to show you your testimony,  
21 would you be able to identify it?

22 A. Yes, sir.

23 MR. EUBANKS: I would like to approach  
24 the witness.

25 ALJ ADDISON: You may.



1           Q.     (By Mr. Eubanks) Would you please  
2 identify the document I have handed to you.

3           A.     This is my prefiled testimony for the  
4 Scioto Farms facility.

5           Q.     The same testimony that was filed on  
6 February 13, 2023, with the Commission?

7           A.     Yes, sir.

8           Q.     Is it a true and accurate copy?

9           A.     Yes, sir.

10          Q.     And if I were to ask you the same  
11 questions that are found in your testimony here  
12 today, would you provide the same answers?

13          A.     Yes, sir.

14          Q.     Are there any corrections that you would  
15 like to make?

16          A.     No, sir.

17                 MR. EUBANKS: I would like to have marked  
18 as Staff's Exhibit 10 the prefiled testimony of  
19 Mr. Crawford.

20                 ALJ ADDISON: It will be so marked.

21                 (EXHIBIT MARKED FOR IDENTIFICATION.)

22                 MR. EUBANKS: With that I would like to  
23 move to have Staff's Exhibit 10 placed into evidence,  
24 subject to cross-examination, and I will offer the  
25 witness for cross.

1 ALJ ADDISON: Thank you very much,  
2 Mr. Eubanks.

3 Any questions on behalf of the Applicant?

4 MS. HERRNSTEIN: Yes, your Honor.

5 ALJ ADDISON: Please proceed.

6 MS. HERRNSTEIN: Thank you.

7 - - -

8 CROSS-EXAMINATION

9 By Ms. Herrnstein:

10 Q. Okay. Good morning, Mr. Crawford. Do  
11 you have before you the Staff Report of Investigation  
12 which was previously marked as Staff Exhibit 1?

13 A. I do.

14 Q. Okay. Could you please turn to page 44  
15 of that document.

16 A. I have it.

17 Q. All right. Do you see the section titled  
18 "Conclusion"?

19 A. Yes, ma'am.

20 Q. Are you sponsoring that section?

21 A. Yes, ma'am.

22 Q. Okay. And on the next page, on page 45,  
23 do you see the section titled "Recommended Findings"?

24 A. Yes, ma'am.

25 Q. Okay. And is it correct that you are

1 also sponsoring that section?

2 A. Yes, ma'am.

3 Q. All right. Let's start with the  
4 conclusion section on page 44. The very first line  
5 of that sentence I am going to read, "With respect to  
6 RC 4906.10(A)(6), Staff finds that the project will  
7 not serve the public interest, convenience and  
8 necessity." Did I read that correctly?

9 A. Yes, ma'am.

10 Q. Did you draft that?

11 A. Yes, ma'am.

12 Q. Okay. And is this Staff's position  
13 today?

14 A. Yes, ma'am.

15 Q. Moving on to the second line that same --  
16 that same paragraph, "Public interest, convenience  
17 and necessity should be examined with respect to many  
18 considerations." Did I read that correctly?

19 A. Yes, ma'am.

20 Q. Are you familiar with the Power Siting  
21 Board's use of the term broad lens in prior orders?

22 A. No, ma'am.

23 Q. Okay. Have you reviewed any prior orders  
24 of the Power Siting Board with respect to either the  
25 Kingwood, Cepheus, or Birch Solar facilities?

1           A.    When you say the orders, is that --

2           Q.    The orders denying certificates in those  
3 three cases.

4           A.    I've seen those cases. I've seen those,  
5 yes, ma'am.

6           Q.    Okay. And is it your intention to be  
7 applying the same standard applied in those orders to  
8 the Staff Report here?

9           A.    Yes, ma'am.

10          Q.    Okay. So even if the words used are a  
11 little different, it's the same standard.

12          A.    Do you have an example of the word being  
13 different? I mean --

14          Q.    You testified that you weren't familiar  
15 with the phrase broad lens, so I guess I will just  
16 move on.

17                ALJ ADDISON: Ms. Herrnstein, I think he  
18 actually indicated the opposite of that.

19                MS. HERRNSTEIN: Oh, he said he was --

20                ALJ ADDISON: He was not. I think you  
21 just said he was familiar.

22                MS. HERRNSTEIN: I'm sorry. I meant to  
23 say the opposite.

24                ALJ ADDISON: Perfect. Thank you.

25          Q.    (By Ms. Herrnstein) But it is your

1 understanding and intention to apply the same  
2 standard that the Board has applied in prior cases to  
3 the Staff Report.

4 A. Correct.

5 Q. Okay. We can move on to the second  
6 paragraph. "As explained above, Staff notes that  
7 there is general opposition to the project from the  
8 local citizens and local government bodies."  
9 Focusing specifically on the term local citizens in  
10 that sentence, what is the basis of Staff's  
11 conclusion that there is general opposition from  
12 local citizens?

13 A. The -- these would be -- these would be  
14 the comments filed by citizens, 36 of those comments  
15 filed opposing the program. These are comments --  
16 these are filings before the Staff Report was issued.  
17 Then also there is the four bullets above, a  
18 resolution of Pickaway County Commissioners voting 2  
19 to 1 to 0 opposing the program, also a filing by the  
20 Township Trustees voting 2 to 0 with 1 abstain  
21 opposing the program also. Again, these were all  
22 filed or issued before the Staff Report was issued.

23 Q. And all of these are listed in the Staff  
24 Report itself, correct?

25 A. Yes, ma'am. The Township would be on the

1 next page, I believe, since it's a filed -- it wasn't  
2 a public comment. It a filed resolution.

3 Q. Understood. Staying with that sentence  
4 where it refers to the opposition of local  
5 governmental bodies, so focusing on the language  
6 local governmental bodies, is that referring to Wayne  
7 Township in Pickaway County?

8 A. Yes, ma'am.

9 Q. Is it referring to anything else?

10 A. Nothing that I think -- not that I would  
11 think of.

12 Q. Okay. If we turn to page -- to page 45,  
13 please.

14 A. I'm there.

15 Q. There is a kind of -- look at the first  
16 paragraph. Kind of in the middle of the paragraph  
17 there is a sentence that begins with "These entities  
18 have the responsibility" -- I am just going to read  
19 it. "These entities have the responsibility for  
20 preserving the health, safety, and welfare within  
21 their respective communities." Did I read that  
22 correctly?

23 A. Yes, ma'am.

24 Q. All right. Is it Staff's position that  
25 the project will negatively impact public health?

1           A.    Do you want to finish that sentence or?  
2   You stopped at the comma; is that correct?

3           Q.    Did I stop at the comma?  Oh, okay.  Yes,  
4   okay.  I'm sorry.  I can read the whole sentence.  
5   "These entities have the responsibility for  
6   preserving the health, safety, and welfare within  
7   their respective communities, and their documented  
8   opposition to the project is especially compelling."  
9   Did I read the whole sentence now?

10          A.    Yes, ma'am.

11          Q.    Okay.  Thank you.  Is it Staff's position  
12   that the project will negatively impact public  
13   health?

14          A.    I don't recall that we would comment on  
15   health in the Staff Report.

16          Q.    Is it accurate to say then that nowhere  
17   in the Staff Report does Staff identify a potential  
18   concern regarding public health?

19          A.    I would have to review that again before  
20   I could say affirmatively it does not.

21          Q.    But if there were a concern that Staff  
22   had regarding public health, it would be in the Staff  
23   Report?

24          A.    That should be the case.

25          Q.    Okay.  All right.  If Staff had a concern

1 regarding the impact of the project on public safety,  
2 would that concern be reflected in the Staff Report  
3 as well?

4 A. Yes, ma'am.

5 Q. Okay. And if Staff had a concern  
6 regarding negative impacts of the project on general  
7 public welfare, would that concern be reflected in  
8 the Staff Report as well?

9 A. Yes, it would. And I think some of that  
10 might be identified with the roads, laydown areas,  
11 things like that.

12 Q. Okay. Looking at the very last sentence  
13 of that same paragraph -- now I am second-guessing if  
14 I copied the whole sentence. Okay. "Staff believes  
15 that any benefits" -- I'm sorry.

16 A. You are picking up in the middle of a  
17 sentence; is that what you wanted to do?

18 Q. Oh, no, I didn't. Thank you for  
19 correcting me again. Okay. It's the last sentence  
20 that begins "While some local opposition is common,  
21 in many siting projects, considering the above  
22 opposition filed in the docket and expressed at the  
23 local public meetings, Staff believes that any  
24 benefits to the local community are outweighed by  
25 this public opposition and, therefore, the project



1 would not serve the public interest, convenience, and  
2 necessity." Did I read that correctly?

3 A. Yes, ma'am.

4 Q. All right. Is it Staff's position also  
5 that any benefits that would extend outside the local  
6 community referenced in that sentence would also be  
7 outweighed by public opposition?

8 A. You would have to articulate what you  
9 mean by benefits outside the community. Are you  
10 saying outside of Pickaway County? Outside of Wayne  
11 Township?

12 Q. First outside of Pickaway County.

13 A. We did not study that.

14 Q. You didn't study benefits outside of  
15 Pickaway County? And I understand that Staff may  
16 have considered --

17 ALJ ADDISON: There is still a question  
18 pending.

19 Q. Oh, I'm sorry. I'm sorry.

20 A. Were you going to elaborate on that?

21 Q. No. Go ahead. Please answer.

22 A. I am just looking for our economic  
23 impacts. Would you repeat the question? I think I  
24 know what it is, but I better hear it again.

25 Q. Yes, absolutely. Did Staff consider any

1 benefits of the project outside of Pickaway County?

2 A. It looks like when we look at community  
3 impacts, we are looking at Pickaway County including  
4 economic impacts. It does not look like we go beyond  
5 Pickaway County.

6 Q. Okay. So the sentence we were just  
7 discussing that states, in part, that "Staff believes  
8 any benefits to the local community are outweighed by  
9 public opposition," those benefits are specific to  
10 Pickaway County?

11 A. Yes, ma'am; yes, ma'am.

12 Q. Okay. Mr. Crawford, is it correct that  
13 local opposition is the only reason Staff identifies  
14 for recommending denial of the project?

15 A. That seems to be the principal  
16 opposition, yes, ma'am.

17 Q. Is there another -- is there another  
18 reason?

19 A. No. It is just a number of Township,  
20 County, individuals. That's it.

21 MS. HERRNSTEIN: Okay. No further  
22 questions. Thank you.

23 ALJ ADDISON: Thank you very much.

24 Mr. Van Kley?

25 MR. VAN KLEY: Nothing from me, your

1 Honor.

2 ALJ ADDISON: Thank you.

3 Mr. Chamberlain?

4 MR. CHAMBERLAIN: Nothing, your Honor.

5 Thank you.

6 ALJ ADDISON: Mr. Dove?

7 MR. DOVE: No questions, your Honor.

8 ALJ ADDISON: Ms. Curtis?

9 MS. CURTIS: No questions, your Honor.

10 ALJ ADDISON: Any redirect, Mr. Eubanks?

11 MR. EUBANKS: Can we take a temporary

12 break?

13 ALJ ADDISON: Absolutely.

14 Let's go off the record.

15 (Discussion off the record.)

16 ALJ ADDISON: Let's go back on the

17 record.

18 Redirect, Mr. Eubanks?

19 MR. EUBANKS: Yes, your Honor. Thank

20 you.

21 - - -

22 REDIRECT EXAMINATION

23 By Mr. Eubanks:

24 Q. Dr. Crawford, redirect allows us an  
25 opportunity to reflect on some of the answers that

1 was given on direct. And I wanted to ask you a few  
 2 questions just for you to reflect on some of the  
 3 questions that were asked of you earlier.  
 4 Specifically I would like you to refer to page 45 of  
 5 the Staff Report. Do you have the Staff Report in  
 6 front of you?

7 A. I do.

8 Q. Do you remember being asked questions  
 9 about the -- I believe it would be the third full  
 10 paragraph -- I mean third full sentence of the top  
 11 paragraph?

12 A. Would that be "While some local  
 13 opposition"?

14 Q. It would start with "These entities have  
 15 the responsibility for preserving health, safety, and  
 16 welfare within their respective communities, and  
 17 their documented opposition to the project is  
 18 especially compelling." Do you see that?

19 A. Yes, sir.

20 Q. The part about preserving health, safety,  
 21 and welfare, do you believe that Staff's review of  
 22 the application takes into account the public  
 23 welfare?

24 A. Yes, sir.

25 Q. How so? Let me ask you a question a

1 different way. Does Staff's review take into account  
2 public interests?

3 A. Yes, sir.

4 Q. Convenience?

5 A. Yes, sir.

6 Q. Necessity?

7 A. Yes, sir.

8 Q. And would those things go to public  
9 welfare?

10 A. They could all be parts of that.

11 Q. And also you were asked with regard to  
12 that particular sentence whether or not Staff had  
13 listed all its concerns regarding health  
14 particularly, safety particularly. Do you remember  
15 that question?

16 A. I do.

17 Q. If we read that sentence, would you agree  
18 with me that the focus of that sentence is on the  
19 local entities that are responsible for preserving  
20 health, safety, and welfare and not focused on Staff?

21 A. Yes, I would.

22 Q. And was it Staff -- did Staff necessarily  
23 detail all the health, safety, and welfare concerns  
24 of the local entities in its Staff Report?

25 A. We did not.

1           Q.    And do you remember being asked questions  
2   about the last full sentence that begins -- well, I  
3   will just read it.  The sentence would read, "While  
4   some local opposition is common in many siting  
5   projects, considering the above opposition filed in  
6   the docket and expressed at the local public  
7   meetings, Staff believes that any benefits to the  
8   local community are outweighed by this public  
9   opposition and, therefore, the project would not  
10  serve the public interest, convenience, and  
11  necessity."  Do you see that sentence?

12           A.    I do.

13           Q.    Did Staff consider benefits that go  
14  beyond just benefits to the local community?

15           A.    There are -- there is consideration that  
16  goes beyond the local community, that goes beyond  
17  Pickaway County.

18           Q.    And would that be documented in the Staff  
19  Report?

20           A.    There is some comment to that on page 15,  
21  jobs, earnings, output.

22           Q.    Jobs, earnings, and output that extend  
23  beyond Pickaway County?

24           A.    The jobs -- the direct jobs do not extend  
25  beyond Pickaway County.  Jobs, you have to track

1 down, tabulate. Certainly the taxes on wages for  
2 those workers in Pickaway County going to the State  
3 is a benefit going beyond Pickaway County.

4 Q. And clearly the Staff Report speaks for  
5 itself so there may be other areas in the Staff  
6 Report where there are benefits that go outside of  
7 just the local community?

8 A. Yes, sir.

9 MR. EUBANKS: With that I have no further  
10 questions.

11 ALJ ADDISON: Thank you, Mr. Eubanks.

12 Ms. Herrnstein?

13 MS. HERRNSTEIN: Yes, I do, your Honor.

14 - - -

15 RECROSS-EXAMINATION

16 By Ms. Herrnstein:

17 Q. Just briefly, Dr. Crawford, first,  
18 apologies for calling you Mr. Crawford earlier; but,  
19 Dr. Crawford, if I understood the question and your  
20 answer correctly, am I correct that you testified  
21 that Staff also considers the health, safety, and  
22 welfare of the local community in its -- in its  
23 analysis?

24 MR. EUBANKS: Objection, mischaracterizes  
25 the testimony.

1 MS. HERRNSTEIN: I believe that is what  
2 you asked.

3 ALJ ADDISON: Well, I will afford  
4 Dr. Crawford a little bit of latitude if he needs to  
5 clarify.

6 A. Would you repeat that, please?

7 Q. Yes. Am I correct that Staff also  
8 considers the health, safety, and welfare of the  
9 local community in its public interest analysis or in  
10 its analysis of the application overall?

11 A. Yes, we do.

12 Q. Okay. And am I correct that outside of  
13 public opposition, Staff has identified no concerns  
14 in any of these areas?

15 A. I believe that's correct.

16 Q. Okay. I believe you just testified that  
17 Staff considered benefits outside of the local  
18 community with respect to economic impact; is that  
19 correct?

20 A. Yes, ma'am.

21 Q. Okay. Were there any benefits outside of  
22 the local community outside of economic impact that  
23 Staff considered?

24 A. We seem not to have documented anything  
25 other than that economic impact outside the local



1 community.

2 Q. And when you say documented, you mean  
3 that's the only thing in the Staff Report?

4 A. Yes, ma'am, that I see at the moment.

5 MS. HERRNSTEIN: Nothing further. Thank  
6 you.

7 ALJ ADDISON: Thank you very much.

8 Mr. Van Kley?

9 MR. VAN KLEY: Nothing, your Honor.

10 ALJ ADDISON: Mr. Chamberlain?

11 MR. CHAMBERLAIN: Nothing, your Honor.

12 ALJ ADDISON: Mr. Dove?

13 MR. DOVE: No questions, your Honor.

14 ALJ ADDISON: Ms. Curtis?

15 MS. CURTIS: No questions, your Honor.

16 ALJ ADDISON: Thank you.

17 - - -

18 EXAMINATION

19 By ALJ Addison:

20 Q. Dr. Crawford, when you indicated in  
21 response to questions by Applicant's counsel, you  
22 indicated that Staff did not specifically cite any  
23 concerns with health -- health, safety, or welfare;  
24 is that correct?

25 A. That's correct. I believe I do not find

1 any of those directly.

2 Q. But does the Staff Report recognize  
3 concerns from the local community regarding health,  
4 safety, and the public welfare; is that correct?

5 A. Yes, ma'am.

6 Q. And that is what this paragraph is  
7 explaining; is that correct?

8 A. Which paragraph is that, your Honor?

9 Q. Oh, I apologize. The first paragraph on  
10 page 45. Specifically the statement -- the sentence  
11 beginning with "These entities."

12 A. Uh-huh. Would you mind asking me that  
13 again, please?

14 Q. Certainly. The purpose of that statement  
15 is to acknowledge and recognize the concerns from the  
16 local community, not necessarily Staff's concerns,  
17 correct?

18 A. Correct. Yes, ma'am.

19 ALJ ADDISON: Thank you. I have no  
20 additional questions, Dr. Crawford. You are excused.

21 THE WITNESS: Thank you, ma'am.

22 ALJ ADDISON: Thank you very much for  
23 your testimony.

24 THE WITNESS: You're welcome.

25 ALJ ADDISON: I believe Mr. Eubanks had

1 previously moved for the admission of both Staff  
2 Exhibit 1 as well as Staff Exhibit 10 into the  
3 record. Are there any objections now that we have  
4 gone through all of Staff's scheduled witnesses to  
5 admit those exhibits at this time?

6 MR. VAN KLEY: No objection.

7 MR. CHAMBERLAIN: No, your Honor.

8 ALJ ADDISON: Thank you.

9 Staff Exhibit 1 and Staff Exhibit 10 will  
10 be admitted into the record.

11 (EXHIBITS ADMITTED INTO EVIDENCE.)

12 ALJ ADDISON: Along those same lines, I  
13 believe the Applicant had previously moved for the  
14 admission of Applicant Exhibit No. 2. Are there any  
15 objections for the admission of Applicant Exhibit No.  
16 2 into the record?

17 MR. VAN KLEY: Your Honor, we don't  
18 object to admitting Applicant's Exhibit No. 2 into  
19 the record. Based on my experiences in other cases  
20 with arguments made by Applicant's counsel, however,  
21 I would note for the record that that doesn't  
22 necessarily imply that we believe the application is  
23 adequate in any way or that the -- the Applicant --  
24 nor do we concede that the application contains all  
25 of the materials and information required by the

1 Board's rules. So because that argument has been  
2 made against me in the past, I want to make sure that  
3 the record this time reflects that we make no such  
4 concession with regard to our agreement that the  
5 application should be admitted into evidence.

6 ALJ ADDISON: Certainly. And I will note  
7 this is merely moving the application into evidence  
8 for the Board's consideration. It will be up to the  
9 Board to ultimately determine whether or not the  
10 application is adequate or satisfies the statutory  
11 criteria.

12 MR. VAN KLEY: Yep.

13 ALJ ADDISON: Any objections other than  
14 the one stated by Mr. Van Kley to the admission of  
15 Applicant Exhibit No. 2?

16 MR. CHAMBERLAIN: No, your Honor.

17 ALJ ADDISON: Then it will be admitted.

18 (EXHIBIT ADMITTED INTO EVIDENCE.)

19 ALJ ADDISON: Mr. Chamberlain, you had  
20 indicated that you had an issue to bring up to the  
21 group yesterday.

22 MR. CHAMBERLAIN: Yes, thank you. Back  
23 on the 13th of February, Wayne Township uploaded a  
24 document to the docket. There is a certified copy of  
25 a Pickaway County Commissioners' resolution,

1 resolution number was PC-034052230. And along with  
2 that there was a motion to admit that document as a  
3 self-authenticating and so just -- first of all, I  
4 would like to identify that resolution as Wayne  
5 Township Exhibit 2.

6 ALJ ADDISON: It will be so marked.

7 (EXHIBIT MARKED FOR IDENTIFICATION.)

8 MR. CHAMBERLAIN: And with that I would  
9 move for the admission of that said document.

10 ALJ ADDISON: Are there any objections to  
11 the admission of Wayne Township Exhibit 2?

12 MS. SHEELY: Your Honor, may I have just  
13 a moment to review it?

14 ALJ ADDISON: Absolutely.

15 MS. SHEELY: I'm finished.

16 ALJ ADDISON: You are finished?

17 MS. SHEELY: I'm finished reviewing.

18 Thank you.

19 ALJ ADDISON: Absolutely, yes. Any  
20 objection?

21 MS. SHEELY: No.

22 ALJ ADDISON: Thank you. It will be  
23 admitted into the record at this time.

24 (EXHIBIT ADMITTED INTO EVIDENCE.)

25 ALJ ADDISON: And as I noted before, that

1 does conclude the list of witnesses that we had  
2 scheduled to provide testimony in this case.

3 Let's go off the record for a moment.

4 (Discussion off the record.)

5 ALJ ADDISON: Let's go ahead and go back  
6 on the record.

7 After a brief discussion with the  
8 parties, we've determined that initial briefs will be  
9 due April 13, 2023, and reply briefs will be due  
10 May 8, 2023, unless ordered otherwise.

11 With that I would just like to thank  
12 everyone. I know we had a few unexpected hiccups  
13 during this hearing. I certainly appreciate the  
14 professionalism both from counsel and from all the  
15 witnesses. So, please, if the witnesses aren't here  
16 in the room today, please extend my thank you to them  
17 as well.

18 Anything else before we adjourn?

19 All right. Thank you all. We are  
20 adjourned.

21 (Thereupon, at 11:20 a.m., the hearing  
22 was adjourned.)

23 - - -  
24  
25

CERTIFICATE

I do hereby certify that the foregoing is  
a true and correct transcript of the proceedings  
taken by me in this matter on Thursday, March 2,  
2023, and carefully compared with my original  
stenographic notes.

\_\_\_\_\_  
Karen Sue Gibson, Registered  
Merit Reporter.

(KSG-7422)

- - -

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Summary: Transcript of Scioto Farms Solar Project, LLC hearing held on 03/02/23 -  
Volume IV electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey,  
Inc. and Gibson, Karen Sue Mrs..