

BEFORE THE OHIO POWER SITING BOARD

- -

In the Matter of the :
Application of Dixon Run : Case No.
Solar, LLC for a Certificate of: 21-0768-EL-BGN
Environmental Compatibility and:
Public Need for a Solar :
Facility Located in Jackson :
County, Ohio. :

- - -

PROCEEDINGS

Before Matthew Sandor, Administrative Law Judge,
held at the offices of the Public Utilities
Commission of Ohio, 180 East Broad Street,
Hearing Room 11-C, Columbus, Ohio, on Tuesday,
March 21, 2023, at 10:00 A.M.

- - -

Armstrong & Okey, Inc.
222 East Town Street, 2nd Floor
Columbus, Ohio 43215
(614) 224-9481 - (800) 223-9481

- - -

APPEARANCES:

Bricker & Eckler
By Ms. Kara Herrnstein
and
Ms. Karia A. Ruffin
100 South Third Street
Columbus, Ohio 43215

On behalf of the Applicant.

Ms. Leah F. Curtis
280 North High Street
Columbus, Ohio 43215

On behalf of the Ohio Farm
Bureau Federation.

Ms. Karin Nordstrom
1145 Chesapeake Avenue, Suite I
Columbus, Ohio 43212

On behalf of the Ohio Environmental
Council.

Mr. Werner Margard
and
Mr. Shaun Lyons
Assistant Attorneys General
30 East Broad Street, 16th Floor
Columbus, Ohio 43215

On behalf of the Staff of the
Ohio Power Siting Board.

- - -

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 TO WITNESSES		
	- - -	
APPLICANT'S WITNESSES	DIRECT	CROSS
Dustin Smith	11	

INDEX TO EXHIBITS

- - -

APPLICANT'S EXHIBITS	MARKED	ADMT
1 Application	11	11
2 First Supplement to Application	11	11
3 Second Supplement to Application	11	11
4 Applicant's Responses to Staff's Data Requests	11	11
5 Proof of Service of Application	11	11
6 Copy of Letters Sent to Property Owners and Tenants Within the Plan Site or Contiguous to the Plan Site	11	11
7 Copy of Letter Sent to Property Owners and Tenants Announcing Second Public Informational Meeting	11	11
8 Proof of Publication for the Public Informational Meeting	11	11
9 Proof of Publication	11	11
10 Completed Copy of the Spring and Summer Ecological Survey Results and Correspondence	11	11
11 Ohio State Historic Office Section 106 Concurrence	11	11
12 Supplemental Geotechnical Report	11	11
13 Supplemental Glare Analysis Memorandum	11	11
14 Direct Testimony of Dustin Smith	11	11
15 Direct Testimony of Jordan Rofkar	11	11

- - -

INDEX TO EXHIBITS CONTINUED

		MARKED	ADMT
16	Direct Testimony of Kevin Schwartz	11	11
17	Direct Testimony of Mark Bonifas	11	11
18	Direct Testimony of Mitchell Hardert	11	11
19	Direct Testimony of Rob Corzatt	11	11
20	Direct Testimony of Jacob Runner	11	11
21	Direct Testimony of Gordon Perkins	11	11
22	Direct Testimony of Sean Hollowell	11	11
23	Supplemental Direct Testimony of Dustin Smith	11	14
JOINT EXHIBITS			
1	Joint Stipulation and Recommendation	11	16
STAFF EXHIBITS			
1	Staff Report	15	16
2	Direct Testimony Andrew Conway	16	16
OEC EXHIBITS			
1	Direct Testimony Jeffrey Reutter	15	15

- - -

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

Tuesday Morning,
March 21, 2023.

ALJ SANDOR: The Ohio Power Siting Board is reconvening the hearing in Case No. 21-768-EL-BGN which is captioned In the Matter of the Application of Dixon Run Solar, LLC for a Certificate of Environmental Compatibility and Public Need.

Good morning, everyone. My name is Matt Sandor, I am the Administrative Law Judge assigned by the Board to hear this case. At this time we will take the appearances of the parties. First on behalf of the Applicant.

MS. HERRNSTEIN: On behalf of the Applicant, Dixon Run Solar, LLC, Kara Herrnstein with the law firm Brickler & Eckler, 100 South Third Street, Columbus, Ohio 43215. And I am joined here today with my colleague Karia Ruffin.

ALJ SANDOR: Thank you. Next on behalf of the Ohio Farm Bureau Federation.

MS. CURTIS: Your Honor, Ohio Farm Bureau, Leah Curtis on behalf of the intervener, 280 North High Street, Columbus, Ohio 43215.

ALJ SANDOR; Next counsel on behalf

1 of Ohio Environmental Council.

2 MS. NORDSTROM: Your Honor, Karin
3 Nordstrom on behalf of the Ohio Environmental
4 Council, 1145 Chesapeake Avenue, Suite I,
5 Columbus, Ohio 43212.

6 ALJ SANDOR: Thank you. And counsel
7 on behalf of the Board Staff.

8 MR. MARGARD: Thank you, your Honor.
9 On behalf of the Staff of the Ohio Power Siting
10 Board, Dave Yost, Ohio Attorney General; John
11 Jones, Section Chief Public Utilities Section;
12 by Assistant Attorneys General Werner L. Margard
13 and Shaun P. Lyons, 30 East Broad Street, 26th
14 Floor, Columbus, Ohio.

15 ALJ SANDOR: Thank you. First I
16 will note for the record that there are no
17 members of the public here who intend on
18 providing testimony before the evidentiary
19 hearing begins.

20 And with that the Applicant may
21 proceed with its case.

22 MS. HERRNSTEIN: Thank you, your
23 Honor. Before we call our first witness would
24 you like us to mark our exhibits?

25 ALJ SANDOR: Yes, please.

MS. HERRNSTEIN: All right. All of these exhibits are already on the docket with the exception of Applicant's Exhibit 23, which is the supplemental testimony from Applicant witness Dustin Smith as a part of the stipulation. They have all been stipulated to. I will now read them.

Applicant Exhibit 1, Application filed September 29th, 2021, and all amendments and supplements to the Application filed in the docket.

Exhibit 2, first supplement to the Application filed November 4th, 2021.

Exhibit 3, second supplement to the application filed November 17th, 2021.

Exhibit 4, Applicant's responses to all staff data requests and supplemental responses to all Staff data requests.

Exhibit 5, Proof of Service of the Application on local public officials and libraries filed August 2nd, 2022.

Exhibit 6, copy of the letters sent to property owners and tenants announcing the first public informational meeting on July 22nd, 2021.

Exhibit 7, copy of the letter sent to property owners and tenants on February 28th, 2022 announcing the second public informational meeting would be held on March 22nd, 2022.

Exhibit 8, proofs of publication for the public informational meeting filed July 14th, 2021, and March 14th, 2022.

Exhibit 9, proofs filed October 4th for the first publication of the description of the Application and hearing dates published on September 30th, 2022 and November 28th, 2022.

Exhibit 10, a completed copy of the spring and summer Ecological Survey Results filed July 14th, 2022.

Exhibit 11, the October 15th, 2022 Ohio State Historic Preservation Office Section 106 Concurrence.

Exhibit 12, supplemental Geotechnical Report filed February 13th, 2023.

Exhibit 13, supplemental glare analysis memorandum filed February 21st, 2023.

Exhibit 14, direct testimony of Dustin Smith.

Exhibit 15, direct testimony of Jordan R. Rotkar.

Exhibit 16, direct testimony of
Kevin Schwartz.

Exhibit 17, direct testimony of Mark
J. Bonifas.

Exhibit 18, direct testimony of
Mitchell Hardert.

Exhibit 19, direct testimony of Rod
Corzatt. Exhibit 20, direct testimony of Jacob
S. Runner.

Exhibit 21, direct testimony of
Gordon Perkins.

Exhibit 22, direct testimony of Sean
Hollowell.

Exhibit 23, supplemental direct
testimony of Dustin Smith filed March 10th,
2023.

And Joint Exhibit 1, Joint
Stipulation and Recommendation signed on behalf
of the Applicant, Ohio Farm Bureau Federation,
the Ohio Environmental Council, and the Ohio
Power Siting Board Staff.

ALJ SANDOR: So Applicant Exhibits 1
through 23 are so marked. And Joint Exhibit 1
marked as well.

(EXHIBITS MARKED FOR

1 IDENTIFICATION)

2 ALJ SANDOR: Go ahead.

3 MS. HERRNSTEIN: Your Honor, at this
4 time we would like to move to enter Applicant
5 Exhibits 1 through 22 into the record as their
6 admission has been stipulated by the parties,
7 and cross-examination has been waived subject to
8 the Joint Stipulation.

9 ALJ SANDOR: All right. Any
10 objections from the parties?

11 MS. CURTIS: No.

12 ALJ SANDOR: Hearing none, Applicant
13 Exhibits 1 through 22 are so admitted.

14 (EXHIBITS ADMITTED INTO EVIDENCE)

15 MS. HERRNSTEIN: At this time we
16 would like to call the project developer for
17 this case, Dustin Smith.

18 ALJ SANDOR: Okay.

19 (WITNESS SWORN)

20 - - -

21 DUSTIN SMITH

22 called as a witness, being first duly sworn,
23 testified as follows:

24 DIRECT EXAMINATION

25 By Ms. Herrnstein:

1 Q. Good morning, Mr. Smith.

2 A. Good morning.

3 Q. Could you please state your name and
4 spell it for the record?

5 A. Sure. My name is Dustin Smith,
6 D-U-S-T-I-N S-M-I-T-H.

7 Q. And where do you work and what is
8 your title?

9 A. I work at SunEnergy 1, and I am the
10 Vice President of Engineering.

11 Q. And do you have before you what has
12 been marked as Exhibit 23?

13 A. Yes, I do.

14 Q. Okay. Is that your supplemental
15 prefiled testimony?

16 A. Yes, it is.

17 Q. If I were to ask you the same
18 questions today that are in Applicant Exhibit 23
19 would your answers be the same?

20 A. Yes, they would.

21 Q. Okay. Do you have before you has
22 been marked as Joint Exhibit 1?

23 A. Yes, I do.

24 Q. And is that the Joint Stipulation
25 and Recommendation that was entered into between

1 the Applicant, Ohio Farm Bureau Federation and
2 the Ohio Power Siting Board Staff and the Ohio
3 Environmental Council?

4 A. Yes. That is correct.

5 Q. And does that appear to be an
6 accurate and complete copy of the Stipulation?

7 A. Yes, it does.

8 Q. Mr. Smith, when is construction
9 expected to start on the Dixon Run protect?

10 A. We expect construction to start
11 sometime around the beginning of 2024.

12 Q. And how many months is construction
13 expected to last?

14 A. It's expected to take about one
15 year. So twelve months.

16 MS. HERRNSTEIN: All right. No
17 further questions, and we would move to enter
18 Exhibit 23 into the record subject to cross.

19 ALJ SANDOR: Okay. Thank you. Any
20 questions from Farm Bureau?

21 MS. CURTIS: No questions, your
22 Honor.

23 ALJ SANDOR: OEC?

24 MS. NORDSTROM: No questions.

25 ALJ SANDOR: And for the Staff?

1 MR. MARGARD: No questions, your
2 Honor.

3 ALJ SANDOR: Okay. Thank you. I
4 have no questions either. Thank you very much

5 THE WITNESS: Thank you.

6 MS. HERRNSTEIN: No further
7 witnesses, your Honor.

8 ALJ SANDOR: Okay. And, I am sorry,
9 you already moved --

10 MS. HERRNSTEIN: Yes. I will move
11 again to enter Applicant Exhibit 23 into the
12 record.

13 ALJ SANDOR: Thank you. Any
14 objections? Hearing none, then Applicant
15 Exhibit 23 is admitted into the record.

16 (EXHIBIT ADMITTED INTO THE RECORD)

17 ALJ SANDOR: All right. Nothing
18 further from the Applicant?

19 MS. HERRNSTEIN: Nothing further
20 from the Applicant.

21 ALJ SANDOR: Okay. I will go to OEC
22 next because I believe you have an exhibit to at
23 lease mark and move.

24 MS. NORDSTROM: Yes, your Honor.
25 Thank you. So I would move to mark OEC's

exhibit, direct testimony of Dr. Jeffrey Reutter
as OEC's Exhibit 1.

ALJ SANDOR: So marked.

(EXHIBIT MARKED FOR THE PURPOSE OF
IDENTIFICATION)

MS. NORDSTROM: And per discussions
with the parties prior to today's hearing I
would move to enter it into the record.

ALJ SANDOR: Okay. Any objections?
Hearing none, OEC Exhibit No. 1 is admitted
into the record.

(EXHIBIT ADMITTED INTO
EVIDENCE)

ALJ SANDOR: And Board Staff.

MR. MARGARD: Thank you, your Honor.
At this time I would like to mark two exhibits
if I may, please.

The Staff Report of Investigation
filed in this matter on November 14th, 2022, as
Staff Exhibit No. 1.

ALJ SANDOR: So marked.

(EXHIBIT HEREBY MARKED FOR
IDENTIFICATION PURPOSES)

MR. MARGARD: And prefiled testimony
and Andrew Conway filed in the docket in this

1 matter on March 10th, 2023 as Staff Exhibit No.
2 2.

3 ALJ SANDOR: So marked.

4 (EXHIBIT HEREBY MARKED FOR
5 IDENTIFICATION PURPOSES)

6 MR. MARGARD: And I would
7 respectfully move the admission of those
8 exhibits.

9 ALJ SANDOR: Any objections?
10 Hearing none, Staff Exhibit No. 1 and No. 2 are
11 admitted into the record.

12 (EXHIBITS HEREBY ADMITTED INTO
13 EVIDENCE)

14 ALJ SANDOR: And just to be safe, my
15 note keeping isn't as good as usual today, Joint
16 Exhibit 1 is also admitted into the record, if
17 it hasn't already been.

18 (EXHIBIT HEREBY ADMITTED INTO
19 EVIDENCE)

20 MS. HERRNSTEIN: Thank you, your
21 Honor.

22 ALJ SANDOR: Anything further from
23 the parties?

24 MR. MARGARD: Nothing.

25 ALJ SANDOR: All right. Well, the

1 case is submitted to the record. We are
2 adjourned for today.

3 MS. HERRNSTEIN: Thank you, your
4 Honor.

5 (At 10:10 A.M. the hearing was
6 concluded)

7 - - -
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
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 March
21, 2023, and carefully compared with my
original stenographic notes.

Michael O. Spencer,
Registered Professional
Reporter.

- - -

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

4/3/2023 1:55:16 PM

in

Case No(s). 21-0768-EL-BGN

Summary: Transcript March 21st 2023 In the Matter of the Application of Dixon Run Solar, LLC for a Certificate of Environmental Compatibility and Public Need for a Solar Facility Located in Jackson County, Ohio. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Spencer, Michael O. Mr..