

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of Circleville Solar,)
LLC for a Certificate of Environmental)
Compatibility and Public Need For The) Case No. 22-0117-EL-BTX
Construction of a Transmission Line Facility in)
Pickaway County, Ohio)

DIRECT TESTIMONY OF

Zachary Melda

on behalf of

Circleville Solar, LLC

May 9, 2023

Q.1. Please state your name, title, and business address.

A-1. My name is Zack Melda. I am a Senior Director for NextEra Energy Resources, LLC. My business address is 700 Universe Boulevard, North Palm Beach, FL 33408

Q.2. What are your duties as Senior Director of Development Manager at NextEra?

A-2. My duties include managing development activities for our portfolio of renewable energy projects throughout Ohio, Indiana, Illinois, and Michigan. The portfolio consists of approximately 2 GW of Solar, 400 MW of Wind, and 357 MW of Storage projects in various stages of development and construction. Development activities include, but are not limited to: site suitability analysis, land acquisition, interconnection applications, community engagement, federal state and local permitting, budgeting oversight, and oversight of engineering and construction.

Q.3. What is your education and professional background?

A-3. I have worked at NextEra Energy Resources since May 2016 and currently serve in the role of Senior Director of Development. Prior to NextEra Energy Resources I worked for 5 years at Georgia Pacific, LLC in the pulp and paper industry and as an environmental engineer. Additionally, I served in the U.S. Army for 4 years active duty, and for 12 years in the National Guard. I hold a Bachelor's degree in civil engineering from Southern Polytechnic State University, and a Master's in Business Administration from the Georgia Institute of Technology.

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

A-4. I am offering testimony on behalf of the Applicant, Circleville Solar, LLC ("Circleville Solar").

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

2 **A-5.** The purpose of my testimony is to provide a summary of the Circleville Solar Transmission
3 Line (“Project”) and a description of the process that led to the Joint Stipulation and
4 Recommendation (“Stipulation”), which was filed to the docket on May 9, 2023, and is
5 being offered in this proceeding as Joint Exhibit 1. I will sponsor admission of the
6 Stipulation into evidence in this case, along with the Applicant’s exhibits listed in the
7 Stipulation, which include the Application, as supplemented and modified and with all
8 exhibits thereto, the Applicant’s responses to data requests from the Board’s Staff,
9 certificates of service, proofs of publication, and correspondence. My testimony will
10 explain the background of the Stipulation and the reasons why I believe it should be
11 adopted by the Board. In addition, my testimony will confirm that the Stipulation
12 complies with the Board’s three-part test for evaluating stipulations.

13 **Q.6 Are the Circleville Solar Application, Exhibits, Amendment Application, and**
14 **responses to Staff Data Requests true and accurate to the best of your knowledge and**
15 **belief?**

16 **A-6.** Yes, the Application, and Exhibits, as supplemented and amended through the Amendment
17 Application filed March 15, 2023 (Applicant Exhibit 1), and all of Circleville Solar’s
18 Responses to the Staff Data Requests (Applicant Exhibit 2) are true and accurate and were
19 prepared under my direction.

20 **Q.7. Were copies of the accepted Application served on local public officials and libraries**
21 **in accordance with OAC Rule 4906-3-07(A)?**

22 **A-7.** Yes, such service was made. Applicant Exhibit 3 is proof of service of the Application.

1 **Q.8. Did Circleville Solar file and serve a copy of the letter sent to property owners and**
2 **tenants with the plan or contiguous to the plan site pursuant to OAC Rule 4906-3-**
3 **03(B)?**

4 **A-8.** Yes. A letter was sent to property owners and tenants within the plan site or contiguous to
5 the plan site on February 16, 2022 announcing that the Public Informational Meeting would
6 be held on March 10, 2022. (Applicant Exhibit 4.)

7 **Q.9. Did Circleville Solar cause notice of the Public Informational Meetings, the**
8 **Application, and the hearing dates to be published in the local newspaper?**

9 **A-9.** Yes. Such notices were published in the *Circleville Herald* at the appropriate times. Proofs
10 of publications in this newspaper were filed on the docket on February 24, 2022. (Applicant
11 Exhibit 5.)

12 **Q.10. Did Circleville Solar publish notice of the local public hearing dates?**

13 **A-10.** Yes, notices of the public hearing were published in accordance with the administrative
14 law judge entry of February 10, 2023 in the *Circleville Herald* on February 17, 2023 and
15 April 11, 2023 in the *Circleville Herald*. (Applicant Exhibit 6.)

16 **Q.11. Did Circleville Solar receive correspondence from the Ohio Historic Preservation**
17 **Office (SHPO) about the Project?**

18 **A-11.** Yes. The Project filed letters of concurrence from SHPO June 14, 2022 filed on August 2,
19 2022; and March 16, 2023 filed on April 19, 2023 (Applicant Exhibit 7).

20 **Q.12. Please list all consultants Circleville Solar retained to prepare its Application and**
21 **Exhibits, including for each the respective areas of responsibility.**

22 **A-12.** Under my direction and supervision, Circleville Solar worked with Environmental
23 Consulting & Technology, Inc. ("ECT") as the lead consultant on the Application. ECT

1 assisted in coordinating the studies used in the Application and Exhibits. ECT prepared the
2 following exhibits to the Application: the Route Selection Study/Siting Study, Cultural
3 Resource Studies, Wetland and Stream Delineation Report, and the Biological Habitat
4 Assessment and USFWS Coordination. Saratoga Associates prepared the Visual
5 Simulations exhibits filed with the application

6 **Q.13. What is the general purpose of the Project?**

7 **A-13.** The general purpose of the Project is to connect the Circleville Solar 70-megawatt (MW)
8 alternating current photovoltaic solar generation facility, submitted under separate cover
9 as case number 21-1090-EL-BGN, to the Circleville Substation in the City of Circleville.
10 The Project is constituent to the proposed Circleville Solar generation facility that is
11 planned to be located in Jackson Township. The purpose of the Project is to transmit the
12 electric current generated by the Circleville Solar generation facility to the existing
13 Circleville Substation.

14 **Q.14. Please describe the Amendment Application filed in this proceeding.**

15 **A-14.** On March 15, 2023, Circleville Solar filed an amendment application which included
16 changing the Preferred Route to the Alternate Route and vice versa and limited route
17 alignments. The route changes and route alignment changes were promoted by landowner
18 input. Any reference in my testimony to the “preferred” or “alternate” route refers to the
19 designations in the Amendment Application.

20 **Q.15. Please describe the Preferred Route.**

21 **A-15.** The Preferred Route is approximately 3.9 miles in length. From the Solar Facility collection
22 substation, it proceeds east along the southern edge of State Route 56. After 0.2 miles, the
23 route turns south on the east side of state route 104 and continues south for 0.5 miles. The

1 route then turns east through agricultural fields for 0.9 miles until it reaches State Route
2 56. Then the route runs parallel on the south side of state route 56 for 0.4 mi at which point
3 the route crosses to the north side of state route 56 and runs an additional 0.5 mi. At the
4 intersection of State Route 56 and U.S. Route 22 the route follows U.S. Route 22 for 1.2
5 mi and crosses the Scioto River. After the route crosses the Scioto River, the route runs
6 south along the Scioto River for 0.2 mi and runs east for approximately 300 feet going
7 under U.S. Route 23 via horizontal directional drilling (HDD) to the Circleville substation.
8 The Preferred Route crosses fewer properties, wetlands, Federal Emergency Management
9 Agency floodplain acres, and Conservation Reserve Program acres.

10 **Q.16. Did you attend the local public hearing held on March 31, 2021?**

11 **A-16.** I did not personally attend but representatives from Circleville Solar did attend.

12 **Q.17. What has Circleville Solar done to address and respond to the comments raised at the**
13 **local public hearing?**

14 **A-17.** There was very little testimony given at the local public hearing about the transmission line
15 itself. Rather, most of the testimony was directed at the generating facility or solar in
16 general – subjects that are beyond the scope of the application presented in this proceeding.
17 In order to be responsive, a Project representative was present to speak to concerned
18 members of the public. As one follow-up from the local public hearing, Project
19 representatives are currently in an email exchange with a concerned neighbor and are
20 arranging an in-person meeting with her. Although this neighbor did not offer testimony
21 about the transmission line specifically, it is important to us that we engage with any
22 neighbors or local stakeholders who have questions or concerns about the Project or even
23 solar energy generation more generally.

1 **Q.18. Are you aware that the OPSB must make certain determinations under Ohio Revised**
2 **Code (“R.C.”) 4906.10 before issuing the certificate for which Circleville Solar has**
3 **applied.**

4 **A-18.** Yes. I have been advised there are eight criteria considered by the OPSB in making its
5 decision whether or not to issue a certificate.

6 **Q.19. Does the Application meet Circleville Solar’s obligation to make the required**
7 **showings under R.C. 4906.10?**

8 **A-19.** Yes. The Stipulation and Exhibits thereto enable the OPSB to determine Circleville Solar
9 has met each of the eight criteria under R.C. 4906.10. Based on the criteria set forth in R.C.
10 4906.10(A), the Project will have a minimum adverse environmental impact and will serve
11 the public interest, convenience, and necessity. Specifically, the Applicant’s proposed
12 transmission facility project would address the need to provide the proposed Circleville
13 Solar Project’s connection to the electrical power grid pursuant to R.C. 4906.10(A)(1) and
14 (6).

15 With regards to the nature of the probable environmental impact of the proposed facility
16 under R.C. 4906.10(A)(2), (3), and (7), the Application, as agreed to through the Joint
17 Stipulation, demonstrates that Project will have a limited socioeconomic and ecological
18 impact on the surrounding area.

19 Finally the Application, as agreed to through the Joint Stipulation, show that the Project is
20 consistent with the regional plans for expansion of the electric power grid serving Ohio
21 and the interconnected utility systems, and that the Project will serve the interest of the
22 electric system’s economy and reliability under R.C. 4906.10(A)(5).

1 **Q.20. Has the Project been designed to achieve minimum impacts?**

2 **A-20.** Yes. As discussed below, the Joint Stipulation incorporates all of the conditions
3 recommended in the OPSB Staff Report and enhances these recommendations. The express
4 purpose of these conditions is to further mitigate potential environmental and sociological
5 impacts.

6 As noted by the OPSB Staff Report of Investigation, impacts to residential land uses would
7 be minimal, and significant impacts to recreational and institutional land uses are not
8 anticipated as these land uses are not present in the project area. No structures are expected
9 to be demolished or removed for the construction of this project. The Project will have
10 minimal impacts to land use on account of the small footprint of the structures associated
11 with the transmission line.

12 The rural nature of the surrounding area reduces the potential number of viewers. The
13 project area is located along smaller and more lightly traveled transportation corridors. The
14 proposed transmission line would largely be constructed among existing agricultural land
15 and near farm features such as barns and other utility lines, which help to mitigate visual
16 impacts.

17 The Project will benefit the local economy by enabling the Circleville Solar Project to
18 interconnect with the grid. As discussed extensively in the solar generating case (21-1090-
19 EL-BGN), the solar project will generate annual tax revenue and bring many local
20 construction jobs. This Project is a prerequisite to those local benefits.

21 **Q.21. Have you reviewed the Staff Report issued on April 7, 2023, and does Circleville Solar**
22 **have any concerns with or proposed revisions to any of the Conditions recommended**
23 **by the Staff in the Staff Report?**

1 **A-21.** Yes, I reviewed the Staff Report. Circleville Solar was generally satisfied with and
2 amenable to the Recommended Conditions, with the minor addition reflected to Condition
3 10 in the Stipulation.

4 **Q.22. Have you reviewed the Joint Stipulation?**

5 **A-22.** Yes.

6 **Q.23. Please describe the modification to Staff Report Condition No. 10 proposed in the**
7 **Joint Stipulation.**

8 **A-23.** The Joint Stipulation modifies Condition No. 10 by including an express requirement that
9 Circleville Solar enter into a Road Use and Maintenance Agreement with the Pickaway
10 County Engineer prior to the start of construction. The condition as modified is below, with
11 the additional language underlined:

12 The Applicant shall coordinate with the appropriate authorities regarding traffic and
13 transportation requirements necessary for construction and operation of the proposed
14 Facility. At least 30 days prior to construction, the Applicant shall enter into a Road Use
15 and Maintenance Agreement with the County Engineer and submit to OPSB Staff. To
16 assure compliance with this condition, prior to the preconstruction conference, the
17 Applicant shall file a final transportation management plan, this plan shall include (but not
18 be limited to) the following:

- 19 a. A summary of coordination with appropriate authorities regarding traffic
20 and transportation requirements, including temporary road closures, road
21 use agreements, driveway permits, lane closures, road access restrictions,
22 and traffic control necessary for construction and operation of the proposed
23 Facility.
- 24 b. Documentation of this coordination, with copies of applicable permits or
25 authorizations, or schedule for obtaining permits or authorizations not yet
26 applicable.
- 27 c. A description of best management practices that would be implemented to
28 maintain clean roads free of construction debris and excess mud.
- 29 d. Details summarizing signage and other best management practices that
30 would ensure construction vehicles only use designated transportation
31 routes.

- e. Mapping of roads to be used for construction that includes identifying any anticipated permitting/authorization requirements in their respective locations.

Q.24. Does the Joint Stipulation modify any other conditions recommended in the Staff Report or include additional conditions that were not contained in the Staff Report?

A-24. No.

Q.25. Do you believe that the settlement was the product of serious bargaining among capable, knowledgeable parties?

A-25. Yes. The OPSB Staff, Circleville Solar, and the Pickaway County Engineer are the only parties in this case, and all have agreed to Staff's initial recommended conditions, with only a single minor change. The Joint Stipulation presented in this case represents the product of serious discussions between the parties. Because there was general agreement with the Staff Report, it was possible to reach agreement by a series of e-mails and phone calls among Staff, Circleville Solar, the Pickaway County Engineer, and their respective attorneys.

Q.26. Do you believe the settlement, as a package, benefits the public interest?

A-26. The Joint Stipulation ensures that the Project will represent the minimum adverse environmental impact for both construction and operations, considering the state of available technology, and the nature and economic of the various alternatives, as well as other pertinent considerations. The construction and operation of the Project will benefit the public interest by enabling a substantial supply of clean energy to interconnect to grid and providing robust economic benefits to local communities and schools.

Q.27. To your knowledge, does the settlement package violate any important regulatory principle or practice?

A-27. No.

1 **Q.28. Do you have any further comments?**

2 **A-28.** It is my understanding that although a Stipulation is not binding upon the Board, there is
3 court precedent that the terms of a stipulation such as is presented here should be accorded
4 substantial weight especially when it is unopposed, signed by all the parties, and resolves
5 all the issues in the proceeding. It is for all these reasons that I urge the Board to approve
6 the Stipulation.

7 **Q.29. Does this conclude your direct testimony?**

8

9 **A-29.** Yes, it does. However, I reserve the right to offer supplemental testimony if necessary.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Direct Testimony of Zachary Melda was served upon the parties of record listed below this 9th day of May 2023.



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Summary: Testimony of Zack Melda on behalf of Circleville Solar, LLC electronically
filed by Teresa Orahoad on behalf of Dylan F. Borchers.