

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of Fountain)
Point Solar Energy LLC for a Certificate of)
Environmental Compatibility and Public Need) Case No. 21-1231-EL-BGN
to Construct a Solar-Powered Electric)
Generation Facility in Logan County, Ohio.)

DIRECT TESTIMONY OF

**Daniel Vertucci
Renewable Development Manager
Invenergy**

**on behalf of
Fountain Point Solar Energy LLC**

July 24, 2023

/s/ Christine M.T. Pirik

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Attorneys for Fountain Point Solar Energy LLC

1 **1. Please state your name, current title, and business address.**

2 My name is Daniel Vertucci. I am a Renewable Development Manager for Invenergy, LLC
3 (“Invenergy”). My business address is One South Wacker Drive, Suite 2000, Chicago, IL
4 60606.

6 **2. Please summarize your educational background and professional experience.**

7 I received a Bachelor and Master of Science in Mechanical Engineering from Florida State
8 University. I have been employed within the energy industry for over 14 years, with more
9 than a decade as an engineer working both within the upstream and downstream aspects of
10 oil and gas development. For the last 2 years, I have been serving as a Manager within the
11 Renewable Development department at Invenergy. A copy of my resume is attached to my
12 testimony as Attachment DV-1.

14 **3. On whose behalf are you offering testimony?**

15 I am testifying on behalf of Fountain Point Solar Energy LLC (“Applicant” or “Fountain
16 Point”), which is seeking to develop the proposed Fountain Point facility (“Project”) in
17 Logan County, Ohio.

19 **4. What is your role with respect to the Fountain Point Project?**

20 In my position as Renewable Development Manager, I oversee the permitting process for
21 the Project, including the production of the various studies and reports required for the
22 Fountain Point Application that was filed with the Ohio Power Siting Board (“Board”) for
23 a certificate of environmental compatibility and public need (“Certificate”).

25 **5. Are you familiar with the Application that Fountain Point filed in this case?**

26 Yes, I was involved in the preparation of the Application. On April 11, 2022, Fountain
27 Point filed its Application for a Certificate with the Board.¹ Since that time, there have
28 been two supplements to the Application filed and ten responses to data requests from the

¹ Applicant Exhibit 1.

1 Board's Staff ("Staff").² Together, I refer to those documents as the "Application."

2
3 **6. What is the purpose of your testimony?**

4 The purpose of my testimony is to:

- 5 • Provide background concerning the Application and Project.
- 6 • Sponsor parts of the Application including the Project overview, Project
7 components, public information meeting ("PIM"), Project schedule, complaint
8 resolution, insurance, interconnection, and financial information.
- 9 • Sponsor some of the exhibits to the Application, including the Equipment
10 Specifications, the PJM Interconnection LLC ("PJM") Studies, the Community
11 Engagement Plan and Complaint Resolution Plan, and the Certificate of Liability
12 Insurance (Application Exhibits A, D, G, I).
- 13 • Sponsor the admission of the Application.
- 14 • Introduce the witnesses who will present additional direct testimony in support of
15 the Application.
- 16 • Support the Applicant's commitment to comply with the commitments made in the
17 Application, supplements to the Application, responses to data requests from the
18 Staff, and the Joint Stipulation and Recommendation entered into between the
19 Applicant and the Ohio Farm Bureau Federation ("jointly, Signatory Parties"),
20 which was filed on July 24, 2023 ("Stipulation") and enhances and improves the
21 recommended conditions in the Staff Report of Investigation filed on November
22 29, 2022 ("Staff Report").

23
24 My testimony, together with the other witnesses testifying for Fountain Point in this case,

² Applicant Ex. 2, Supplement to Application filed May 16, 2022; Applicant Exhibit 3, Second Supplement to Application filed August 23, 2022; Applicant Exhibit 4, Response to First Data Request filed May 11, 2022; Applicant Exhibit 5, Response to Second Data Request filed May 13, 2022; Applicant Exhibit 6, Response to Third Data Request filed May 20, 2022; Applicant Exhibit 7, Response to Fourth Data Request filed June 3, 2022; Applicant Exhibit 8, Response to Fifth Data Request filed July 8, 2022; Applicant Exhibit 9, Supplement Response to Third Data Request filed August 9, 2022; Applicant Exhibit 10, Response to Sixth Data Request filed October 20, 2022; Applicant Exhibit 11, Response to Seventh Data Request filed November 14, 2022; Applicant Exhibit 12, Response to Eighth Data Request filed November 18, 2022; Applicant Exhibit 13, Response to Ninth Data Request filed November 28, 2022; Applicant Exhibit 14, Supplemental Response to Ninth Data Request filed November 28, 2022; Applicant Exhibit 15, Response to Tenth Data Request filed November 28, 2022.

1 supports the Board's approval of Fountain Point's Application for a Certificate to construct
2 the Project.

3
4 **7. Did Fountain Point cause the Application and notices to be served on property**
5 **owners, tenants, adjacent property owners, various local government officials, and**
6 **libraries?**

7 Yes. The certificates of service were filed and have been marked as Applicant Exhibits 16,
8 and 18-20.

9
10 **8. Did Fountain Point cause notices of the public information meeting, the Application,**
11 **and the hearings to be published in a newspapers of general circulation in Logan**
12 **County, Ohio?**

13 Yes. Proofs of publication were filed and have been marked as Applicant Exhibits 17 and
14 19-20.

15
16 **9. Who are the additional witnesses supporting the Fountain Point Application in this**
17 **proceeding?**

- 18 • Jaclyn Martin (Applicant Exhibit 22): Site Characterization Study Report, the
19 Visual Resource Assessment and Mitigation Plan, the Landscape Plan, the Drain
20 Tile Mitigation Plan, the Wetland and Waterbody Delineation Report, and the
21 Ecology Assessment, the Horizontal Directional Drilling Plan, and stormwater best
22 management practices (Application Exhibits C, M, N, Q, R, S and Applicant
23 Exhibits 4, 7, 10).
- 24 • Ryan Peterson (Applicant Exhibit 23): Phase I Cultural Workplan and State
25 Historic Preservation Office ("SHPO") Correspondence, Historic Architecture
26 Reconnaissance Survey, Phase I Archaeological Reconnaissance Survey, State
27 Historic Preservation Office Architecture Concurrence Letter and SHPO
28 Archaeological Correspondence, Addendum Phase I Cultural Resources
29 Investigation, SHPO Concurrence to Phase I Archaeological Report (Application
30 Exhibits T, P, O and Applicant Exhibits 2, 11, and 14).
- 31 • JoAnne Blank (Applicant Exhibit 24): Construction Route Study and Road

Condition Report, the Glare Hazard Analysis, Decommissioning Plan, and Aviation Information (Application Exhibits B, H, J and Applicant Exhibit 4)

- John Henning (Applicant Exhibit 25): Geotechnical Reports (Application Exhibit L, Applicant Exhibits 6 and 9).
- Geoff Patterson (Applicant Exhibit 26): Public Outreach (Application Exhibit G).
- Michael Hankard (Applicant Exhibit 27): Sound (Application Exhibit K).
- David Loomis (Applicant Exhibit 28): Economic Impact and Land Use Analysis (Application Exhibit F).
- Rich Kirkland (Applicant Exhibit 29): Property Value Impact (Application Exhibit E).
- Matthew LaCount (Applicant Exhibit 30): Electromagnetic Field Technical Memorandum (Applicant Exhibit 3).

10. Have you reviewed the Certificate conditions recommended in the Stipulation, which enhances and improves the conditions recommended in the Staff Report?

Yes. I have.

11. Please explain and describe how the Stipulation enhances and improves the conditions recommended by the Board's Staff in the Staff Report.

The Applicant has adopted the Certificate conditions recommended by the Board's Staff in the Staff Report, and, in fact, the Stipulation has further enhanced and improved the requirements for Fountain Point in a number of significant ways, including:

- Stipulation Conditions 15 and 16: The Signatory Parties improved the requirements recommended in the Staff Report that the Applicant must adhere to in order to ensure that the required updated glare analysis based on the final design includes a panel resting angle recommendation, and that the solar panels used for the Project will be returned to that same recommended resting angle prior to sunrise daily.
- Stipulation Condition 21: The Signatory Parties enhanced the requirements recommended in the Staff Report that the Applicant must adhere to by detailing additional commitments for engagement with the Logan County Engineer, including coordination on benchmark conditions and proposed civil construction

drawings as well as drainage and road use agreements.

- Stipulation Condition 22: The Signatory Parties enhanced the requirements recommended in the Staff Report that the Applicant must adhere to in order to ensure that the agricultural protection plan is designed to minimize impacts to agricultural land during construction and decommissioning.
- Stipulation Condition 31: The Signatory Parties improved the requirements recommended in the Staff Report that the Applicant must adhere to in order to provide additional mitigation control against the potential for establishment and spread of noxious weeds.
- Stipulation Condition 43: The Signatory Parties enhanced the requirements recommended in the Staff Report that the Applicant must adhere to in order to address concerns about historical and designed wind speeds. As part of the final engineering design package, the Applicant has committed to design the solar facility to accommodate wind loads per ASCE 7-16 and to utilize a site-specific wind climate assessment to provide suitable, accurate design wind speeds. The study will analyze hourly and sub-hourly wind speeds and peak wind gust data from storm and non-storm winds to determine the recommended design wind speeds for each of the four wind direction quadrants (north, south, east, and west) at 300-year mean recurrence intervals.
- Stipulation Condition 44: The Signatory Parties enhanced the requirements recommended in the Staff Report that the Applicant must adhere to with additional commitments related to emergency response. Prior to construction, the Applicant has committed to coordinate with and enter into an agreement with local first responders to provide the necessary equipment and training plan to respond to any emergency situation related to the proposed facility throughout the life of the Project.

12. Please provide an overview of the proposed facility.

As described in detail in the Application, the Project will be an up to 280-megawatt (“MW”) solar-powered generation facility. The Project is intended to supply clean, renewable energy to the regional electricity grid.

1
2 Toxicity Characteristic Leaching Procedure (“TCLP”) certified solar panels are mounted
3 on tracking systems, which are in turn secured to the ground via a foundation pile system.
4 The electricity from the panels is routed, via underground conductors, to inverters that then
5 turn this direct current electricity into alternating current electricity. Alternating current
6 electricity is then routed, via underground conductors, to a substation where this voltage is
7 increased so that it may then be injected into the PJM electrical grid.

8
9 The facility’s arrays of solar panels will be fenced in with small-wildlife permeable and
10 aesthetically fitting fencing for a rural location. The Project would occupy up to 2,141 acres
11 within an approximately 2,768-acre Project Area. As committed to by the Applicant in the
12 Application, as updated in the Response to the Eighth Data Request from Staff filed on
13 November 18, 2022 (Applicant Exhibit 12), the Applicant has incorporated the following
14 minimum setbacks from the Project’s solar modules:

- 15
16 • at least 150 feet from non-participating residential parcel boundaries;
17 • at least 340 feet from residences; and
18 • at least 150 feet from the edge of public roads.³
19

20 In addition, the Applicant will have vegetative screening modules installed at locations
21 where there are sensitive receptor points (homes, etc.). A mix of diverse native plantings
22 will be installed and managed throughout the array areas that will promote soil stability,
23 soil health, and area pollinator resources.

24
25 Like any construction project, the facility will obtain an Ohio Environmental Protection
26 Agency, National Pollutant Discharge Elimination System permit, and a Stormwater
27 Pollution Prevention Plan, to ensure earthwork and drainage improvements associated with

³ Based upon feedback from outreach efforts with the community and local government officials, as well as the information obtained during the PIM, the Applicant committed to these setbacks. Notably, Fountain Point’s setbacks are greater than the setbacks adopted by the Board in its recent rulemaking proceeding (i.e., the Board adopted minimum setbacks from a project’s solar modules of at least 50 feet from non-participating parcel boundaries and at least 300 feet from non-participating residences). *See In re Ohio Power Siting Board Review of Ohio Adm.Code Chapters 4906-1, et al.*, Case No.21-902-GE-BRO, Finding and Order (July 20, 2023).

1 the Project are done properly. The Project is prevented from affecting the area drainage
2 and has committed to rectifying any such potential issues.

3
4 **13. What is the general purpose of the facility?**

5 The general purpose of the Project is to produce clean, renewable, reliably-priced, low-cost
6 electricity to the Ohio bulk power transmission grid operated by PJM or under a power
7 purchase agreement. Solar power provides a clean, sustainable source of electricity, free of
8 fuel pricing volatility. As energy and environmental costs rise, and technology advances,
9 solar-powered generation provides a sustainable, long-term, competitive energy solution.

10
11 **14. Will the facility comply with all applicable regulations?**

12 Yes. The facility is designed to comply with all applicable state and federal regulations,
13 and Fountain Point is committed to ensuring that the final layout adheres to all applicable
14 state and federal regulations. The Applicant is committed to obtaining all necessary state
15 and federal approvals.

16
17 **15. Please summarize the public information meeting and comments received during the**
18 **PIM and explain how the Applicant took the feedback into consideration in the**
19 **ultimate Application filed in this case.**

20 The Applicant conducted a PIM prior to submitting the Application. The Board rules
21 require one PIM to be conducted within 90 days prior to submitting an application. The
22 PIM was conducted on January 12, 2022, in the Benjamin Logan Middle School in
23 Bellefontaine, Ohio, located near the Project.

24
25 The PIM included a team of Project experts, maps, and poster boards with Project
26 information, and a presentation of Project details. The presentation also provided more
27 details about the forthcoming permit Application and the Board permitting process.

28
29 The PIM was well-attended by the public and the Applicant's team received both positive
30 feedback and concerns regarding various elements of the Project. The majority of the
31 questions were related to the preliminary Project map, the overall Project schedule and

1 timeline, as well as questions related to fencing aesthetics, drain tile, and water runoff.
2 Among others, there were also questions about safety and environmental concerns, and
3 about how the Project could potentially impact local taxing jurisdictions and/or property
4 values.

5
6 The feedback received during the PIM was taken into consideration and addressed within
7 the Application in various ways. The Narrative and Exhibits filed in the 3,600+ page initial
8 Application filing provide information that extensively and exhaustively addresses issues
9 that were raised. Furthermore, additional commitments were included in the Application
10 beyond what was described during the PIM. For example, the Applicant increased setback
11 commitments shared at the PIM from at least 100 feet from property lines and public roads
12 and 300 feet from residences to at least 120 feet from non-participating property lines and
13 public roads and 340 feet from residences in the initial Application filed on April 11, 2022.
14 The commitment for setbacks from non-participating residential parcel boundaries and the
15 edges of public roads was further increased to 150 feet in the Response to the Eighth Data
16 Request. These setback commitments are beyond industry standards or permit
17 requirements for non-participating parcel boundaries and residences, and are also in excess
18 of the OPSB's recently adopted administrative rules for the development of solar energy
19 projects.

20
21 **16. Did you attend the local public hearing held on December 14, 2022 and, if so, please**
22 **describe the hearing?**

23 Yes. On December 14, 2022, 65 people offered sworn testimony at the local public hearing
24 at the Benjamin Logan High School near the Project Area. The testimony provided was
25 generally in line with feedback and comments that have been received over the course of
26 the entire Application process and Fountain Point's engagement efforts, and has been
27 contemplated, considered, and addressed within the Project design proposed in the
28 Application, as well as the conditions in the Stipulation.

29

1 **17. Please describe, generally, the topics raised by those testifying at the local public**
2 **hearing and in the written public comments on the docket.**

3 The local public hearing contained a mix of comments both in favor of the Project and in
4 opposition. Those testifying in support of the Project had diverse comments, including the
5 desire for Logan County to have clean energy projects, the benefit the Project will have on
6 the tax base and school funding, the rights of farmers and private property owners, the jobs
7 and economic benefits of the Project, the need for jobs in the community, the positive
8 impact on long-term soil health, and the possibility for property values to increase. Those
9 in opposition mentioned concerns regarding the potential for aesthetic changes in the
10 community, a decrease in farmland, lack of confidence around business practices and
11 permitting processes, the potential for health impacts, and skepticism about solar
12 technology broadly.

13
14 **18. Please summarize some of the major design considerations Fountain Point**
15 **implemented into the Project to ensure the feedback provided by the community at**
16 **the numerous public outreach events, including the PIM and local public hearing, has**
17 **been taken into account.**

18 With consideration of the input received from the totality of the Applicant's community
19 outreach, as supported in the Application and through the testimony of the Applicant's
20 expert witnesses, Fountain Point is implementing significant commitments for the Project,
21 to ensure a successful long-term partnership with the local community, including, but not
22 limited to, the following:

- 23
24 • A significant reduction of the Project Area, from what was proposed in the initial
25 Application filed on April 11, 2022. (See Applicant Exhibit 3, the Second
26 Supplement to the Application filed on August 23, 2022). The reduction includes
27 the elimination of all land from the Project Area south of State Route ("SR") 47,
28 including, but not limited to, portions of Bokescreek Township and the entirety of
29 Perry Township. These changes were made to address feedback received from the
30 community:

- 1 ○ Residential Property/Visual Impact: These changes eliminate the Project
2 from view along County Road (“CR”) 8 and drastically reduce the view in
3 and out of West Mansfield, Ohio. Importantly, the smaller Project Area
4 significantly reduces the number of residences that are adjacent to the
5 Project, reducing the residences within a half-mile radius from 220 to 136
6 residences, and those within a 1,500-foot radius from 153 to 84 residences.
7 The removal of the “Dally Farm” parcels between CR 8 and SR 47 adjacent
8 to West Mansfield from the Project Area was purposeful in
9 acknowledgement of local feedback about the cultural and local
10 significance of that farm to West Mansfield and the surrounding areas.
11
- 12 ○ Agricultural/Land Use: Even as originally designed, the Project footprint
13 encompasses less than 1.3% of farmland in Logan County. This percentage
14 is further reduced to 1.0% with the removal of approximately 450 acres
15 from the proposed maximum fenceline extent. The updated proposed
16 maximum extent fenceline acreage would use approximately 2,140 acres of
17 the approximately 211,281 acres of farmland in Logan County, and these
18 acres can revert to farmland use upon decommissioning of the Project.
19 Furthermore, production from the temporary removal of up to 2,140 acres
20 will be offset within approximately 1 year just from within Logan County’s
21 remaining active farmland, based on 20+ year statewide trends of increased
22 yields. In comparison, the amount of land farmed in Logan County has
23 historically fluctuated up and down by more than 23,750 acres in the last 20
24 years.
25
- 26 ○ Wildlife Habitat: The proposed changes maintain existing habitat and
27 reduce the amount of wildlife habitat enclosed within the maximum extent
28 fenceline. The Project changes eliminate approximately 37% (6 acres) of
29 possible tree clearing, in addition to reducing the fenced-in wooded acreage
30 by approximately 50% (45 acres). Habitats present have been identified as
31 having limited potential to support protected status species. Further, post-

1 construction vegetation management plans have been designed to improve
2 conditions for wildlife through reduced site disturbance, planting native
3 vegetation, and adhering to recommended seasonal mowing regimes to
4 avoid impacts to nesting birds and other species. Agricultural habitats,
5 which provide minimal habitat for most wildlife species, are abundant in
6 the areas directly adjacent to the Project. Wildlife associated with these land
7 uses are anticipated to readily adapt by utilizing the undeveloped areas
8 surrounding the Project. Still, the Project has been revised to remove 450
9 acres of agricultural land habitat from the fenced area to promote continued
10 farming practices and wildlife use. Additionally, perimeter fencing has been
11 designed to allow for small animal movement throughout the site.
12

- 13 ○ Wildlife Species: The Project has undergone consultation with both state
14 and federal agencies regarding the presence and site use by wildlife, as well
15 as an on-site assessment of wildlife and their habitats. The resulting Project
16 has been determined to pose no adverse effects to any protected status
17 species. The Project changes include avoiding Mill Creek, a waterbody with
18 potential to support sensitive wildlife species, which is no longer located
19 within the Project.
20

- 21 ○ Water system: Mill Creek and the West Mansfield Public Water System are
22 no longer within or directly adjacent to the Project Area.
23

- 24 ○ Perry Township Sewage Project and/or Residential Development Plans for
25 Columbus Commuters: The Applicant is removing acreage within Perry
26 Township, further distancing this Project from any planned developments
27 there, while the remaining Project acreage will serve to preserve the rural
28 nature of Bokescreek and Rushcreek Townships by protecting against such
29 future development in those communities that would potentially alter the
30 rural nature of those areas and the landscape and lifestyle for those residents.
31

- 1 • Coordination with community and government officials, as detailed below.
- 2
- 3 • Implementation of significant Project setbacks that exceed the current Board
- 4 requirements, including setting back all Project facilities 340 feet from residences,
- 5 150 feet from public roadways, and 150 feet from non-participating property lines.
- 6
- 7 • Utilization of perimeter fencing around the Project to match the aesthetic of the
- 8 surrounding area.
- 9
- 10 • Implementation of and a commitment to best management practices that are beyond
- 11 industry standards or permit requirements, such as setbacks, fencing design,
- 12 vegetation management, drain tile, grading and top soil management, panel-end-of-
- 13 life disposal, and others as detailed in the Application, Stipulation, and testimony
- 14 of the Applicant's witnesses.
- 15
- 16 • Utilization of modules that pass the United States Environmental Protection
- 17 Agency ("USEPA") TCLP to ensure modules do not contain toxic metals or waste
- 18 defined as hazardous.
- 19
- 20 • Employment of panel end-of-life commitments ensuring that, when not recycled,
- 21 panels marked for disposal will be sent to an engineered landfill with various
- 22 barriers and methods designed to prevent leaching of materials into soils and
- 23 groundwater, or another appropriate disposal location at the time of
- 24 decommissioning approved by Staff.
- 25
- 26 • Implementation of a landscape and lighting plan that will incorporate neighbor-
- 27 specific requests, as well as targeted vegetative screening for non-participating
- 28 neighbors with a direct line-of-sight to the Project. This plan will be provided to
- 29 the Board prior to construction in accordance with Stipulation Condition 17.
- 30

- 1 • Implementation of drain tile benchmarking, design, and maintenance to ensure
2 damaged systems are repaired and that the design of the Project will ensure that
3 nearby parcels are protected from unwanted drainage problems due to construction
4 and operation of the Project.
5
- 6 • Implementation of a Drainage and Road Use Maintenance Agreement that is being
7 negotiated with the Logan County Engineer and Rushcreek Township.
8
- 9 • Agreements with local first responders to provide the necessary equipment and
10 training plan to respond to any emergency situation related to the proposed facility
11 throughout the life of the Project. The Applicant is currently working with
12 Rushcreek Township, and will work with all of the townships that provide mutual
13 aid to the Project Area.
14

15 **19. Please explain Fountain Point's long history with Logan County and the community**
16 **in the Project Area.**

17 Fountain Point has been working with the Logan County Board of County Commissioners
18 ("Commissioners" or "Commission") since May 2021 and initially received positive
19 feedback and support for the Project from the Commissioners over the course of multiple
20 presentations where general Project information and preliminary maps of the Project Area
21 were shown. Letters of support from two of the Commissioners were submitted in
22 November of 2021. It was not until after these letters were posted on the Board's docket in
23 January 2022 that those two Commissioners changed their stance and began to express
24 concerns about, but not opposition to, the Project, resulting in the two Commissioners
25 rescinding their letters of support that same month, three months before the initial filing of
26 the Application. Fountain Point continued to meet with the Commission, Townships, and
27 local residents prior to and following the initial Application filing date in April 2022, taking
28 all feedback into consideration in the updated design set forth in the Second Supplement
29 to the Application filed in August 2022, Applicant Exhibit 3. The updated design proposed
30 was adjusted in both size and scope to ensure the final design would best serve the
31 community and most effectively address feedback received from all stakeholders. Fountain

1 Point continued to participate in Commission and Township meetings in addition to
2 broader community outreach efforts up to and through the local public hearing in December
3 2022, and has been actively working to negotiate stipulation conditions with all parties
4 since that time.

5
6 My records of meetings/interactions since 2021, include, but are not limited to:

7 1. Logan County Commissioners Meeting - **week of May 24-28, 2021**

- 8 • Following the meeting, a preliminary site map of the Project Area was shared.
9 Commissioner Benedetti followed up, ultimately asking us to draft them a letter
10 of support for this Project, and expressing their interest in seeing solar
11 development investments in Logan County.

12 2. Bokescreek Township meeting - **September 15, 2021**

13 3. Benjamin Logan School Board Meeting - **October 18, 2021**

14 4. Logan County Commissioners Meeting - **October 19, 2021**

- 15 • A formal presentation was shared with the Commission, including Project
16 specific information such as a preliminary map and schedule, as well as general
17 information about solar development and the permitting processes.
18 • Commissioners Benedetti and Antram reiterated their interest in signing letters
19 of support broadly for solar development within Logan County.

20 5. Rushcreek Township meeting - **November 15, 2021**

21 6. Letters of support dated November 30, 2021 from Commissioners Benedetti and
22 Antram filed in the docket - **January 3, 2022.**

23 7. Perry Township meeting - **December 13, 2021**

24 8. Logan County Commissioners Meeting - **December 14, 2021**

- 25 • Commission indicated they would like to begin payment in lieu of tax
26 (“PILOT”) negotiations after the upcoming PIM.

27 9. Perry Township meeting - **January 10, 2022**

28 10. Fountain Point PIM - **January 12, 2022**

- 29 • Commissioner Benedetti told me after the PIM that he thought it went well and
30 expressed that he felt the overall sentiment of the meeting was positive, with
31 his personal assessment from the evening being that more folks were supportive

1 than not.

2 11. Commissioner Benedetti sent a letter to the Board rescinding his letter of support
3 (also, before the Application and the supplement reducing the Project size were
4 filed) - **January 20, 2022**

5 12. Commissioner Antram sent a letter to the Board rescinding his letter of support
6 (also, before the Application and the supplement reducing the Project size were
7 filed) - **January 25, 2022**

8 13. Rushcreek Township meeting - **February 14, 2022**

9 14. Perry Township meeting - **February 14, 2022**

10 15. Logan County Commissioners Meeting - **February 15, 2022**

11 • First meeting attended after Commissioners Benedetti and Antram rescinded
12 their letters of support. There were mostly questions posed related to the
13 Commission's apparent frustration with the process, including their unfounded
14 claim that they were not previously aware of the Project size or location.
15 Concerns over conflicts with other proposed developments in Perry Township
16 were raised, as well as discussions about the Project map and how it overlays
17 with residential areas.

18 • In accordance with the forgoing, the Commissioners were aware of the Project
19 size and location prior to this meeting, their letters of support filed in the Board
20 docket January 3, 2022, and the PIM.

21 16. Rushcreek Township meeting - **March 14, 2022**

22 17. Perry Township meeting - **March 14, 2022**

23 18. Logan County Commissioners Meeting - **March 15, 2022**

24 • There was discussion about the impending Application submission, including
25 its timing and what information it would include, which also led into questions
26 about Senate Bill ("SB 52") and the permitting process as a whole. There was
27 also discussion about beginning to negotiate a PILOT after the Application was
28 completed.

29 19. Bokescreek Township meeting - **March 16, 2022**

30 20. Perry Township meeting - **April 11, 2022**

31 21. Fountain Point filed its Application for the Project to be located in Bokescreek,

Rushcreek, and Perry Townships - **April 11, 2022**

22. Bokescreek Township meeting - **April 13, 2022**

23. Logan County Commissioners Meeting - **April 14, 2022**

- There was further discussion about the timing of the Application, in addition to how it pertains to the timing of ad-hoc appointees as allowed under SB 52.

24. Rushcreek Township meeting - **April 18, 2022**

25. Perry Township meeting - **May 9, 2022**

26. Rushcreek Township meeting - **June 13, 2022**

27. Perry Township meeting - **June 13, 2022**

- Presented proposed changes to the Project that would remove the township from its area, and the trustees indicated that this addressed their concerns, met their requests, and that they no longer had any issue with the Project.

28. Logan County Commissioners Meeting - **June 14, 2022**

- Presented proposed changes to the Project to address concerns. The Commissioners appeared frustrated that we intended to take tangible steps to improve the Project because it made their current position regarding concerns about the Project less tenable. In fact, the Commissioners communicated displeasure with the Applicant trying to improve the Project.

29. Bokescreek Township meeting - **June 15, 2022**

30. Logan County Land Trust meeting - **July 18, 2022**

31. Logan Chamber of Commerce Meeting - **August 3, 2022**

32. Perry Township meeting - **August 8, 2022**

33. Logan County SB 52 resolution public hearing - **August 9, 2022**

34. Fountain Point filed the Second Supplement to Application – reducing the size of the Project – **August 23, 2022**

35. Perry Township meeting - **September 12, 2022**

36. Logan County Commissioners meeting - **September 13, 2022**

- Further discussion about the nature of the permitting process, as well as questions related to the expected timeline for the issuance of the Staff Report, the local public hearing, and potential evidentiary hearing.
- The Commission indicated that they would prefer to negotiate specifics related

to the PILOT agreement after the local public hearing.

37. Bokescreek Township meeting - **September 14, 2022**

38. Perry Township meeting - **October 10, 2022**

39. Bokescreek Township meeting - **October 12, 2022**

40. Rushcreek Township meeting - **October 17, 2022**

41. Logan Chamber of Commerce Meeting - **October 21, 2022**

- This was a “solar symposium” hosted by the Chamber that brought in people from across the state to talk about solar, SB 52, tax benefits to schools, PILOT assessments, landowners’ and farmers’ perspectives, as well as a presentation from the Board’s Staff.

42. Logan County Electric Cooperative meeting - **October 24, 2022**

43. Rushcreek Township meeting - **November 14, 2022**

44. Perry Township meeting - **November 14, 2022**

45. Bokescreek Township meeting - **November 16, 2022**

46. Commissioner Antram and Senator McColley meeting - **November 28, 2022**

- Commissioner Antram expressed concerns over how he felt that bully tactics had played into opposition to the Project, and indicated he wanted more information regarding what specifically could be done within the stipulation to address potential uncertainties that may remain with regards to the final Project design. I emailed him to follow up and never received a response.

47. Rushcreek Township meeting - **December 12, 2022**

48. Perry Township meeting - **December 12, 2022**

49. Local Public Hearing - **December 14, 2022**

50. Multiple discussions with the parties in the case regarding the Stipulation began following the local public hearing.

20. What positive benefits will the Project provide to the local community?

The Project will provide significant economic, social, and environmental benefits to the local community. These include, but are not limited to:

- Tax payments to various taxing jurisdictions greater than \$1.96 million per year for the life of the Project, including payments to:

- 1 ○ Logan County;
- 2 ○ Bokescreek Township;
- 3 ○ Rushcreek Township;
- 4 ○ Benjamin Logan School District;
- 5 ○ Ohio Hi-Point Joint Vocational School;
- 6 ○ Local Emergency Management Service and Fire Emergency Responders;
- 7 ○ Children Services;
- 8 ○ Historical Society; and
- 9 ○ Mental Health Fund.
- 10 • More than 464 local jobs for Logan County and 1,558 short-term jobs for the State
- 11 of Ohio during the multi-year construction effort for the Project.
- 12 • Long-term jobs for highly-trained staff to maintain and operate the Project.
- 13 • Over \$205 million in new local output during construction and over \$7.4 million in
- 14 new local long-term output annually.
- 15 • The Project represents a long-term (30 years or more) preservation of agricultural
- 16 land in the community that will not be permanently removed from agricultural use,
- 17 like would occur with other forms of land development.
- 18 • Economic development that is in line with the Logan County Comprehensive Plan,⁴
- 19 by providing significant, long-term economic benefits to Logan County through
- 20 controlled development, preventing the encroachment of the “inevitable” sprawl
- 21 outward from the Columbus Metropolitan Region while still addressing the
- 22 importance of economic development in assuring that residents have jobs, income,
- 23 and resources in which to live as well as the necessary local services to provide for
- 24 their physical and social needs. It is noteworthy that the Project is in compliance
- 25 with and addresses numerous factors set forth in the plan:
- 26 ○ The plan does not make mention of solar facilities and does not have
- 27 anything that would preclude this Project from being developed; however,
- 28 it does assume that significant amounts of agricultural land will be
- 29 repurposed between 2007 and 2035.

⁴ https://www.lucplanning.com/_files/ugd/540e57_d877d0b5867e492788ed915d72990b3a.pdf

1 ▪ The Indian Lake Case Study showcases several areas around Indian
2 Lake and how they have grown and developed from 1956 to 1996,
3 and includes projected land use in 2035 that highlights the
4 expectation that agricultural land will continue to be repurposed and
5 utilized for various economic developments.

6 ○ The closest commentary related to the ‘rural character’ comes in the very
7 first section of the plan that states: “Overwhelmingly, preserving rural
8 character through controlled development was the main concern of the
9 community. Residents place a high value on their small town, country
10 atmosphere. In addition, they like the peacefulness and quietness of the
11 areas of the County in which they reside. Above all, local officials need to
12 keep this priority in mind when making local decisions.”

13 ▪ This characterization of rural character would be actively preserved
14 via the development of this Project, as the agricultural land being
15 preserved will not be available for other developments that would
16 not maintain the peaceful and quiet nature to the extent that this
17 Project will over the 30-45 year duration.

18 ○ Some items from the plan that this Project supports include, but are not
19 limited to:

20 ▪ “...local Townships are looking for guidance in managing increases
21 in population and housing in the region that will inevitably continue
22 to sprawl outwards from the Columbus Metropolitan Region.”

23 ▪ “...the importance of economic development in assuring that
24 residents have jobs, income, and resources in which to live as well
25 as the necessary local services to provide for their physical and
26 social needs.”

27 ▪ “the Median Housing Unit value in Logan County (\$88,300) is
28 \$15,400 less than that in State of Ohio (\$103,700).”

29 ▪ “the expenditure per student for all of the School Districts was
30 lower than the average expenditure per student in the State of Ohio
31 over all of the past seven school years.”

○ The goals and objectives of the plan include, but are not limited to: improving County emergency services; managing land uses through buffering, screening, and environmental practices; providing assistance on farm management and finances; promoting soil suitability; encouraging diversified farm operations; and improving drainage problems in Logan County.

▪ The County has the stated goal of enhancing the quality of life for the residents of Logan County, and protecting the health, safety and welfare of said residents, with the objective to continue to evaluate and improve the emergency services of the County. This Project would provide significant funding annually to local fire and EMS departments that have experienced staffing and funding shortages, and would therefore serve the public interest, convenience, and necessity.

- The Project will generate clean, renewable energy in the community and provide that to the regional electric grid.
- Local support for the Project is further demonstrated by support from government officials and leaders. Attached is a compilation of some of the support letters filed on the docket (DV-2).

21. Please explain the Complaint Resolution Plan and notices contained in Exhibit G of the Application.

The Complaint Resolution Plan provides a framework whereby community members can voice their complaints regarding the Project construction or operation directly to Fountain Point. The Complaint Resolution Plan provides a direct line of communication for the public to contact Project managers to raise concerns and seek resolution to issues that may arise during construction or operation of the Project. The plan includes provisions to elevate concerns to the Board's Staff to assist in resolving any complaints regarding the Project. The plan also provides for transparency in reporting complaints and resolution processes to the Board's Staff.

1 In accordance with Stipulation Condition 40, Fountain Point is required to file the final
2 Plan with the Board at least 30 days prior to the start of construction and send a notices via
3 certified mail to all affected property owners and tenants, including affected property
4 owners and tenants who were provided notice of the public informational meeting and
5 Board hearings; local officials who received a copy of the Application; residences
6 located within one mile of the certificated boundary; schools, libraries, and emergency
7 responders that serve residents in the Project Area; and any other person who has
8 requested updates regarding the Project. In addition, the Applicant must provide
9 notices again at least seven days before the Project begins operation.

10
11 Stipulation Condition 40 further requires that, during the construction and operation of
12 the facility, Fountain Point must submit to Staff a complaint summary report by the
13 15th of April, July, October, and January of each year through the first five years of
14 operation. The report must include a list of all complaints received through the
15 Applicant's complaint resolution process, a description of the actions taken toward the
16 resolution of each complaint, and a status update if the complaint has yet to be
17 resolved.

18
19 **22. Are you aware that the Board must make certain determinations under R.C. 4906.10**
20 **before issuing a certificate for the construction, operation, and maintenance of a**
21 **major utility facility?**

22 Yes. I am aware that there are eight criteria considered by the Board in making its
23 determination for the issuance of a certificate.

24
25 **23. Does R.C. 4906.10(A)(1), which requires the Board to determine that the basis of need**
26 **for the facility, apply to Board's review of this Application?**

27 No. R.C. 4906.10(A)(1) applies only to an electric transmission line or a gas pipeline, and
28 is not applicable to this generating facility.

29

1 **24. Does the Application, along with the testimony of the expert witnesses, enable the**
2 **Board to determine the nature of the probable environmental impact of the facility?**

3 Yes. The Application addresses all of the subject matter areas necessary for the Board to
4 determine the nature of the probable environmental impact of the facility. The Application
5 includes detailed surveys, assessments, and reports related to probable socioeconomic
6 impacts, ecological impacts, cultural, and public services, facilities, and safety. The
7 Application narrative and exhibits and figures, along with subsequent data request
8 responses and the testimony of the Applicant's expert witnesses, provides all of the
9 information necessary to determine the probable impacts.

10
11 **25. Based on the Applicant's commitments in the Application, along with the conditions**
12 **in the Stipulation committed to by the Applicant, which enhance and improve the**
13 **conditions recommended in the Staff Report, and the testimony of the expert**
14 **witnesses, does the facility represent the minimum adverse environmental impact,**
15 **considering the state of available technology and the nature and economics of the**
16 **various alternatives, and other pertinent considerations?**

17 Yes. The Application, along with the conditions in the Stipulation committed to by the
18 Applicant, addresses all the subject matter areas necessary for the Board to determine that
19 the facility represents the minimum adverse environmental impact considering the state of
20 available technology and the nature and economics of the various alternatives, and other
21 pertinent considerations, as contemplated in the statute. The Application includes detailed
22 technical studies, reports, and plans that set forth commitments the Applicant must adhere
23 to in the construction, operation, maintenance, and decommissioning of the facility,
24 including, but not limited to, decommissioning, landscape and vegetation management,
25 transportation, unanticipated discovery, visual and lighting, site and grading, drain tile, and
26 sound. Fountain Point has committed to the measures and mitigation in these numerous
27 plans. While the Applicant will continue to enhance and improve the plans and, in some
28 situations, will submit final plans prior to construction pursuant to the Stipulation
29 Conditions, the measures and mitigation in those final plans can be more, but not less, than
30 those commitments set forth in the Application, Stipulation, and the testimony of the
31 Applicant's witnesses.

1 **26. Is the facility consistent with regional plans for expansion of the electric power grid**
2 **of the electric systems serving this state and will the facility serve the interests of**
3 **electric system economy and reliability?**

4 Yes. The regional plans for expansion of the electric power grid of the electric systems
5 serving the state are determined by PJM. The Applicant submitted two interconnection
6 requests to PJM for two queue positions: AE1-092 on August 31, 2018, and AF1-270 on
7 September 30, 2019. AE1-092 received its Feasibility Study in March 2019 and its System
8 Impact Study in August 2019. AF1-270 received its Feasibility Study in January 2020 its
9 System Impact Study in August 2020.

10
11 As described in Exhibit D to the Application, the Applicant paid PJM the fees for the
12 facilities studies for AE1-092 and AF1-270 on September 27, 2019, and December 17,
13 2020, respectively. Fountain Point is grandfathered under the law, SB 52, except for the ad
14 hoc board member provision, as reflected by the analysis prepared by the Ohio Legislative
15 Services Commission attached as DV-3.

16
17 The Application further describes that the Project will provide additional electrical
18 generation to the regional transmission system.

19
20 **27. Does the facility comply with the requirements established by the State of Ohio for:**
21 **air pollution control; solid and hazardous waste; water pollution control; permitting**
22 **for a major increase in withdrawal of waters; and aeronautical requirements?**

23 Yes. The Application addresses air pollution topics and demonstrates that there is no
24 pollutant emissions associated with the Project and no emissions are created by the
25 operations of the Project.

26
27 The Project will only utilize Tier 1 equipment suppliers to ensure the solar modules are not
28 hazardous to people or the environment as Tier 1 equipment passes the USEPA's TCLP
29 testing standards. In accordance with Stipulation Condition 24, at the time of solar panel
30 end of life disposal, any retired panel material that is not recycled and that is marked for
31 disposal, shall be sent to an engineered landfill with various barriers and methods designed

1 to prevent leaching of materials into soils and groundwater, or another appropriate disposal
2 location at the time of decommissioning approved by Staff.

3
4 The Application addresses water and water pollution and demonstrates that the Project has
5 no water pollutants associated with the operations of the Project. The Project does not
6 anticipate any impacts to public or private wells or water supplies during the construction
7 and operation of the Project, as the Project allows for rainwater to clean the panels and will
8 not have a well to obtain water from at the site.

9
10 The Applicant has committed to adhering to the Ohio Environmental Protection Agency's
11 Guidance on Post-Construction Storm Water Controls for Solar Panel Arrays, in
12 accordance with Stipulation Condition 27. Further, the Project is not subject to any
13 aeronautical requirements. Moreover, Fountain Point will comply with Stipulation
14 Condition 21 regarding repair and replacement of drain tile.

15
16 **28. Does the facility serve the public interest, convenience, and necessity?**

17 Yes. The Application, as supported by the testimony of expert witnesses and the Stipulation
18 Conditions committed to by the Applicant, address public interest, convenience, and
19 necessity through discussion and analysis of topics such as, but not limited to:

- 20 • Positive socioeconomic impacts of the Project.
- 21 • Maintaining liability insurance.
- 22 • Maintaining a decommissioning bond ensuring the financial means to remove the
23 equipment and return the land to substantially its current condition.
- 24 • Implementation of a complaint resolution process.
- 25 • Implementation of community requests and feedback, including, but not limited to:
26 the reduction of the Project Area; increased setbacks; screening; fencing styles;
27 residential property/visual impact mitigation; agricultural land use preservation;
28 and panel end-of-life commitments.
- 29 • Implementation of environmental conservation measures to preserve and enhance
30 stream buffers.

- 1 • Creation of over 464 full-time construction jobs in Logan County and 1,558 full-
2 time jobs for employees for construction of the Project in the State of Ohio. These
3 workers, and the Project, have direct and in-direct (ancillary services) economic
4 benefits throughout the local community, Logan County, and the State of Ohio of
5 over \$205 million.
- 6 • Creation of permanent, full-time jobs for employees to maintain and operate the
7 Project, throughout the Project's approximate 30-year to 45-year operational life.
- 8 • Provision of significant financial support to the local school districts and emergency
9 services, including \$1.96 million annually to local taxing jurisdictions.; and
- 10 • Provision of renewable energy to the electric grid, reducing the greenhouse gas
11 emissions from the power sector.

12
13 Discussion of these topics as well as others, as presented in the Application, Stipulation,
14 and witness testimony in this case, enables the Board to determine that the facility will
15 serve the public interest, convenience, and necessity.

16
17 **29. Does the Application, along with the conditions in the Stipulation committed to by the**
18 **Applicant, which enhance and improve the conditions recommended in the Staff**
19 **Report, and the testimony of the expert witnesses, enable the Board to determine what**
20 **the facility's impact will be on the viability as agricultural land of any land in an**
21 **existing agricultural district?**

22 Yes. Approximately 2,140 acres of agricultural land will have solar facilities on them.
23 None of those acres are currently enrolled in the Agricultural District Program. The
24 Vegetation Management Plan contained in Exhibit M to the Application filed on April 11,
25 2022, as well the conditions in the Stipulation, will ensure that, throughout the life of the
26 Project, a mix of native and pollinator seeding will increase biodiversity and soil nutrients
27 and has the potential to increase pollinators on adjacent farmed parcels. After the Project
28 is decommissioned, the Project Area can again be used for row crops or other agricultural
29 projects. Impacts of the Project are temporary. The use of this land for a solar project is
30 optimal because of its ability to maintain farmland within the community.

31

1 **30. Does the facility incorporate maximum feasible water conservation practices**
2 **considering available technology and the nature and economics of the various**
3 **alternatives?**

4 Yes.
5

6 **31. Does the facility comply with the requirements established by the State of Ohio to**
7 **prepare and provide a decommissioning plan and cost estimate for the Project?**

8 Yes. A Decommissioning Plan was prepared to provide for the removal of the Project and
9 estimates the total cost to retire the Project at the end of its useful life per Ohio
10 Administrative Code Rule 4906-4-06(F)(5). The decommissioning costs include the costs
11 to return the site to substantially the same conditions that existed before construction of the
12 Project. The Decommissioning Plan reviews the decommissioning sequence and presents
13 a 12 to 18 month plan to begin within 12 months of ceasing operations. While some
14 components may be sold as scrap or resold completely, as the Decommissioning Plan
15 indicates, the Applicant will make every commercially reasonable effort to recycle or
16 salvage solar panels and other materials from the Project. Soil will be decompacted as
17 needed and returned to original condition to be farmed.
18

19 In accordance with Stipulation Condition 23, which the Applicant commits to comply with,
20 Fountain Point will provide financial security to ensure funds are available to
21 decommission the Project. The financial security will be in the form of a performance
22 bond with the Board as an obligee. A final Decommissioning Plan will be prepared by a
23 professional engineer registered with the state board of registration for professional
24 engineers and surveyors and submitted to the Board's Staff for review prior to construction.
25 The decommissioning bond will be updated every 5 years during the life of the Project.
26

27 **32. Are you aware that the Board utilizes a three-part test to evaluate stipulations?**

28 Yes.
29

1 **33. With regard to the first part of the Board's three-part test for stipulations, do you**
2 **believe that the settlement was the product of serious bargaining among capable,**
3 **knowledgeable parties?**

4 Yes. Counsel for parties and all intervenors were invited to all settlement negotiations of
5 the parties. Representatives of the parties involved in the deliberations leading to the
6 Stipulation were aware of and knowledgeable about the issues addressed in the Stipulation.

7
8 **34. With regard to the second part of the Board's three-part test for stipulations, do you**
9 **believe the settlement, as a package, benefits the public interest?**

10 Yes. As a package, the Stipulation ensures that the construction and operation of the
11 facility provides benefits to the public interest. Since the beginning of development, the
12 Project has encouraged feedback, discourse, and engagement from the local community.
13 In addition to the benefits outlined in my previous responses, feedback during settlement
14 led to improvements and enhancements to the Project, including, but not limited to, the
15 following: enhancements to requirements for drain tile, drainage, road use, grading, soil
16 preservation, wind speed design, and emergency response, as well as improvements to
17 requirements for glare mitigation and noxious weed mitigation.

18
19 **35. With regard to the third part of the Board's three-part test, to your knowledge, does**
20 **the settlement package violate any important regulatory principle or practice?**

21 No.

22
23 **36. Are your opinions and conclusions in your testimony made with a reasonable degree**
24 **of professional certainty?**

25 Yes.

26
27 **37. Does this conclude your testimony?**

28 Yes. However, I reserve the right to update my testimony to respond to any further
29 testimony, reports, and/or evidence submitted in this case.

CERTIFICATE OF SERVICE

The Ohio Power Siting Board's e-filing system will electronically serve notice of the filing of this document on the parties referenced in the service list of the docket card who have electronically subscribed to these cases. In addition, the undersigned certifies that a copy of the foregoing document is also being served upon the persons below this 24th day of July, 2023.

/s/ Christine M.T. Pirik

Christine M.T. Pirik (0029759)

Counsel:

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dw@planklaw.com
cendsley@ofbf.org
lcurtis@ofbf.org

Administrative Law Judge:

greta.see@puco.ohio.gov
jacqueline.St.John@puco.ohio.gov
Isabel.Marcelletti@puco.ohio.gov

Attachment DV – 1
Daniel Vertucci
Resume

Daniel Vertucci

Manager - Invenergy LLC

Daniel serves as a Manager within the Renewable Development department, responsible for generating new wind and solar opportunities by identifying potential projects and advancing them through the development process. This includes site identification, permitting, resource measurement, establishing interconnection positions and community engagement.

His technical management skills and extensive experience includes: directing multi-million-dollar capital projects for leading multinational corporations; delivering on cross-functional, high complexity projects, with dynamic and accelerated timelines; achieving results through positive coordination of internal and external teams, driving focus on innovative technical solutions and sound business judgment and; facilitating continuous improvement and effective application of learnings across disciplines and business units - while upholding uncompromising dedication for safety, controls, compliance, and attention to detail.

Prior Experience

EXXONMOBIL RESEARCH & ENGINEERING COMPANY, Products Technology Development
Paulsboro / Clinton, NJ

Global Mobil 1 Proof of Performance Advisor

2016 - 2020

Assumed responsibility for technical and legal support of all marketing claims for Mobil 1 branded engine oils, delivering comprehensive claim support at global level and for individual business units. Acted as global coordinator for all passenger vehicle engine oil field testing, designing and executing numerous experimental product development programs.

- Managed passenger vehicle global field test fleet of over 150 vehicles, testing more than 50 different lubricant formulations and accumulating over 4M miles per year.
- Provided 70% increase in surveillance efficiency with 66% percent reduction of overhead by implementing novel data management platform and processes.
- Reduced critical path lead-time for procurement of capital assets by 75%, amending third-party legal agreements and revising internal audit procedures.
- Generated and maintained initial and evergreen support for greater than 100 marketing claims on over 25 different consumer products, covering varied regional markets, including US & North America, EAME, North and South Asia Pacific, China, and Russia.
- Produced collateral and media for utilization in multiple product and brand activations by collaborating with brand managers, marketing, sales, third party advertising agencies, and social media influencers.

EXXONMOBIL DEVELOPMENT COMPANY, Drilling & Completions, Houston, TX**Engineering Team Lead****2014 - 2015**

Oversaw permanent decommissioning of subsea drilling, completions, subsurface and production activities in shelf and deepwater Gulf of Mexico, including responsibility for projects originally executed by joint ventures and subsidiaries.

- Directed diverse technical team of 5, including salaried engineers and contracted consultants.
- Provided supervision, prioritization, and technical guidance, including review and endorsement of engineering design decisions, budget proposals, and detailed operational procedures.
- Stewarded overall project scope of \$500M, driving alignment with corporate management and joint venture partners on technical design, execution plan, budget planning and cost estimation.
- Enabled \$100M savings in required operating costs through negotiations with multiple US government regulatory agencies.

Senior Project Engineer**2009 - 2016**

Served as oilfield drilling and completions engineer across multiple assignments, balancing ongoing responsibilities, including safety stewardship, regulatory compliance, budgeting, detailed technical design, logistics, operational execution and surveillance.

- Led long-term, high complexity programs as well as multiple concurrent short-term medium complexity programs, ranging from \$35M to over \$120M per drill well.
- Carried multiple gate-reviewed projects through all levels of management, establishing cross-functional stakeholder alignment.
- Provided mentorship and formal instruction for technical and soft skills, career development, inclusion and diversity.

Education

- **Master of Science (MS)**, Mechanical Engineering, Florida State University, Tallahassee, FL
 - Industry sponsored thesis: Technical assessment and market analysis of methods for increasing photovoltaic solar panel efficiencies such as single axis tracking, dual axis tracking, passive cooling, active cooling
- **Bachelor of Science (BS)**, Mechanical Engineering, Florida State University, Tallahassee, FL

Attachment DV – 2
Daniel Vertucci
Letters of Support



Members of Ohio Power Siting Board
180 East Broad Street, 12th Floor
Columbus, Ohio 43215

RECEIVED-DOCKETING DIV

2022 NOV 14 PM 12:41

PUCO

Larry Mouser
8236 County Road 117
Ridgeway, Ohio 43345

RE: Fountain Point Solar Project
Docket Number: Case Number 21-1231-EL-BGN

As a Bokescreek township trustee I support the project because solar energy will help with the energy puzzle our future faces. It's something that won't deplete the oil and gas energy we have now, it'll just add to it. We will need to accept that solar energy is part of our energy future. It is a huge plus for our country and helps us be energy independent. These panels have already improved their efficiency and will continue to do so, making the technology better. As time goes by, there will be more electric vehicles and people will accept this as another part of our lives.

There are local benefits too. Some benefits are shared with landowners, and they have a right to do what they want with their land. This project will bring so many jobs, not just with the solar panels, but all the other construction that will need to be done. Back when Honda was getting started here, we had so many people saying that they didn't want it here, and it has turned into a godsend by providing so many jobs and additional investment. I think this project will provide the same boost to the community.

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FILE

April 18, 2023

Ohio Power Siting Board
Attn: Jenifer French, Chair
180 East Broad Street
Columbus, OH 43215

RECEIVED-DOCKETING DIV

2023 APR 18 PM 1:13

PUCO

cc: Mike Williams, Executive Director
Scott Elisar, Legislative and Policy Director

RE: Fountain Point Solar Energy LLC Generation Facility, OPSB Case No. 21-1231-EL-BGN

Dear Chair French and Executive Director Williams,

I write today in support of the renewable energy development project in Logan County known as the Fountain Point Solar Energy LLC Project ("Fountain Point project").

As a co-sponsor of Senate Bill 52, I understand the desire of our local governments to govern the scope of projects that are located within their jurisdictions. When the General Assembly passed SB 52, there was also a clear desire to grandfather in late-stage projects that have followed the proper channels in their development. As described in the Staff Report, the Fountain Point project fits the bill to be grandfathered, other than having two ad-hoc members, and localized opposition to a grandfathered project may not be determinative. Despite being grandfathered, the Fountain Point project has labored to build local support for the project. The Board Staff recommends approval of this project, recommending the Board find that the public input received for the project represents varied interests, rather than a prominent, compelling, one-sided opposition, and not a consistent rejection of the project. Approximately 90% of the project is located in Bokescreek Township, where there is support from local officials.

It is my understanding that Invenergy, the company responsible for the development of the Fountain Point project, has been working with the community to ensure that the project will meaningfully benefit the surrounding region and the State of Ohio. It would provide supplemental income to farmers and protect the land from permanent development, allowing land to be returned to agricultural use after decommissioning. The facility would bring an estimated \$4.4 million in Logan County annually and would employ approximately 800 workers during peak construction.

Building on its proven record throughout the state as a leader in sustainable development and operation, Invenergy has worked to site the Fountain Point project responsibly, embracing its role as a community partner. The project goes above and beyond best practices for the industry, committing to 340 foot setbacks from residences and 150 foot from the edge of public roads. Consistent with the spirit of SB 52, the project filed an amendment last summer in response to local input. Those important updates included an 18% reduction in the size of the project, 45% reduction in nearby residences, a 37% reduction in tree clearing, and removing any acreage within Perry Township to further distance the project from any planned developments.

I believe that the Fountain Point project meets or exceeds the Ohio Power Siting Board criteria for approval and qualifies under the law to be grandfathered. Therefore, I would urge your approval of the project's certificate application.

Sincerely,

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William J. Seitz

**Majority Floor Leader
Ohio House of Representatives
Columbus, OH 43215
(614) 466-8258**

From: Puco ContactOPSB
Sent: Monday, December 12, 2022 9:10 AM
To: Puco Docketing
Subject: public comment 21-1231
Attachments: SKM_C45822120915180 (1).pdf

To Whom it May Concern:

Attached please find a letter of support for the Fountain Head Solar Project in Logan County, Ohio. As Superintendent of this school district, all 5 board members have given me the directive to send this letter of support on their behalf for the hopeful approval for this solar farm project. If you should have any questions, please feel free to contact me. Thank you for this consideration.

John Scheu
Superintendent
937-726-2090 (Cell)

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Benjamin Logan Local School District

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Deb Johnson
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Scott Spriggs
Member

John Scheu
Superintendent

Jennifer Sudhoff
Treasurer

December 9, 2022

Ohio Power Siting Board

To Whom It May Concern,

On behalf of the Benjamin Logan School Local School Board members and Superintendent, we approve of the Fountain Head Solar Project in Logan County. We believe the additional revenue generated from this solar project will further delay the need for tax payer dollars to fund any school levies, and allow the school district to continue providing the necessary resources for students to achieve their maximum potential with a first class education.

Respectfully,

John Scheu, Superintendent
Benjamin Logan Board of Education

FILE

OHIO CHAMBER CHAMPIONS



Accenture Consulting
American Electric Power Ohio
Anthem Blue Cross / Blue Shield
AT&T
Baldwin Wallace University
Bon Secours Mercy Health
Charter Communications
Chipotle
Cleveland-Cliffs Inc.
Columbia Gas of Ohio, Inc.
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McLaren St. Luke's
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Minute Men Staffing
Services
Nationwide
Open Road Renewables
Penn National Gaming Inc.
Planta Moran PLLC
Procter & Gamble
RockCentral
Savion, LLC
Sodgwick MCO
Sodgwick TPA
Southwestern Energy

T. Marzetti Company
The Andersons Inc.
The Cleveland Clinic
The Ohio State University
Wexner Medical Center
TransDigm Group
U.S. Bancorp
UnitedHealthcare
ViaQuest, Inc.
Vistra Corp
Walgreens Company
Zaino Hall & Farnin LLC

May 17, 2023

Jenifer French
Chair
Ohio Power Siting Board
180 East Broad Street
Columbus, Ohio 43215

Re: Fountain Point Solar Energy Center, OPSB Case No. 21-1231-EL-BGN

Dear Chair French,

On behalf of the Ohio Chamber of Commerce, I appreciate the opportunity to share our support for renewable energy development in Logan County, specifically Invenergy's proposed Fountain Point Solar Energy Center. As the state's leading business advocate and resource, the Ohio Chamber of Commerce aggressively champions free enterprise, economic competitiveness, and growth for the benefit of all Ohioans.

Fountain Point represents a significant private capital investment of approximately \$340,000,000 into domestic energy production within Logan County, with approximately \$175,000,000 in long-term local payments – revenues that help shoulder and offset the existing burden on area taxpayers.

We believe that Fountain Point represents a significant opportunity for Logan County and the Central Ohio region through the establishment of a PILOT program. At the maximum rate of \$9,000 per MW for an installed capacity of 280 MW, the Fountain Point facility would provide revenue at \$2,520,000 annually to Logan County.

Beyond the direct funds, the PILOT program will support ancillary economic benefits to the community. For example, the program requires the solar developer to utilize 80% in-state labor throughout construction and installation of the project. As a result of this requirement, on-site labor modeling estimates project that approximately 300 Logan County jobs and 900 jobs for Ohioans will be generated during the two-year construction period. Total job creation, including indirect and induced impacts, is projected even higher at approximately 464 Logan County jobs and 1,558 jobs for Ohioans.

Lastly, we would like to underscore the relationship of PILOT revenue to school funding. Under Ohio's school funding formula, a school district's capacity can impact how much it receives in state funds. The assessed value of the property within a school district will impact the amount of funding it receives from the state. Because PILOT revenue is set at a fixed amount for the life of the project and does not fluctuate with property values, this revenue will not have an impact on the funding allocated to the Benjamin Logan Local School District by the state.

We acknowledge and appreciate the sensitivity surrounding both this project and utility-scale solar projects overall in Logan County. Invenergy has voluntarily put forward numerous project alterations

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to Fountain Point's size and scope. This comes as no surprise to us, as Invenergy continually demonstrates across Ohio a willingness to work with local communities and act as good neighbors to adjacent property owners. In fact, for all Invenergy's projects that have completed the Ohio Power Siting Board process, they have reached agreement with every single intervenor that has filed against them – including neighbor groups, township trustees, county commissioners, and soil and water conservation districts.

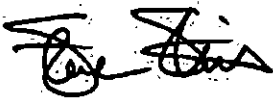
Invenergy's emphasis on transparency and soliciting public feedback has yielded several revisions to the Fountain Point project. Perhaps the most significant is the removal of 630 acres from the project area south of State Route 47, significantly reducing the number of adjacent residences. Invenergy has also proposed increased setbacks from other properties, a reduction in tree cutting, utilization of agricultural-style fencing, and vegetative screening to shield the view of facilities. These revisions are the direct result of Invenergy's local outreach, including its attendance at over 30 township meetings, the knocking on more than 250 doors, and the provision of comment card mailers to over 3,500 residents.

The Ohio Chamber of Commerce has long advocated for an "all of the above" approach to energy policy that includes new generation derived from renewable sources. The 280 megawatts created by Fountain Point's facility will enable businesses and consumers to have greater choices for their energy needs and ensure safe, reliable, and affordable energy sources here in the Buckeye State. In Ohio's constant race against other states and countries to attract business, we must acknowledge the increased demand for renewable energy – especially affordable solar energy – generated within the states where businesses choose to locate. Our state presently has current and prospective employers weighing future investment here and positioned to purchase the energy generated at Fountain Point.

In closing, we appreciate your body's consideration of Invenergy's Fountain Point project and encourage all sides to continue having a constructive dialogue about how best to honor Logan County's character and quality of life while also welcoming private investment into our rural economies to drive energy independence. The Ohio Chamber strongly reiterates its support for the Fountain Point Solar Energy Center and urges the Board to approve its certificate application.

We appreciate your consideration of this information and are happy to provide further detail as requested.

Respectfully,



Steve Stivers
President & CEO
Ohio Chamber of Commerce

Cc: Gregory Slone, P.E.
Director Mary Mertz
Director Bruce Vanderhoff, M.D.
Director Anne Vogel
Director Lydia Mihalik
Director Brian Baldrige
Representative Sharon Ray
Representative Michael Skindell
Senator Bill Reineke
Senator Kent Smith

Attachment DV – 3
Daniel Vertucci
Legislative Service Commission
SB 52 Analysis

AFFIDAVIT OF WENDY ZHAN

STATE OF OHIO)
) ss:
COUNTY OF FRANKLIN)


1. My name is Wendy Zhan. I am over the age of eighteen and am competent to testify to matters contained in this affidavit. The following facts are based on my personal knowledge.
2. I am the Director in the Office of the Ohio Legislative Service Commission with the business address of 77 South High Street, 9th Floor, Columbus, Ohio, 43215. My employment with the Commission started in January 1995. I have held my current position since September 1, 2019.
3. In my capacity as the Director, I am a custodian of certain files, records, and documents associated with the legislative process in the State of Ohio.
4. The attached document, Attachment 1, is true and correct photocopy of records maintained by this office in the ordinary course of business.



Wendy Zhan

Sworn to and subscribed before me, a Notary Public in and for said county and state, and subscribed in my presence, by the above-named Wendy Zhan, who acknowledged that he or she did sign the foregoing instrument and that the same is his or her free act and deed, this 18th day of July, 2023, in the City of Columbus, County of Franklin, State of Ohio, in testimony whereof, I set my hand and official seal.

KRISTIN R RHEE
Notary Public, State of Ohio
My Commission Expires 08-13-2025



Notary Public – State of Ohio
My commission 8/13/25



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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

S.B. 52
134th General Assembly

Final Analysis

[Click here for S.B. 52's Fiscal Note](#)

Version: As Passed by the General Assembly

Primary Sponsors: Sens. Reineke and McColley

Effective date: October 11, 2021

J.R. Lallo, Research Analyst

UPDATED VERSION

SUMMARY

County designations of restricted areas for utility facilities

- Allows a board of county commissioners to designate all or part of an unincorporated area of the county as a restricted area, prohibiting the construction of any or all of the following (collectively, known as “utility facilities”):
 - Economically significant wind farms;
 - Large wind farms;
 - Large solar facilities.
- Establishes a procedure for adopting a resolution establishing a restricted area, including notice requirements for a meeting at which the resolution will be discussed.
- Prohibits applications for a certificate, or material amendment, for a utility facility from the Power Siting Board (PSB) in a restricted area prohibiting the construction of that type of facility.
- Establishes a referendum and related requirements for the approval or rejection of a resolution of a board of county commissioners designating a restricted area.
- Defines “material amendment” as an amendment to an existing PSB certificate for a utility facility that does any of the following:
 - For a utility facility:
 - ❖ Changes the facility’s generation type from one type of utility facility to another;
 - ❖ Increases the facility’s nameplate capacity;

- ❖ Changes the boundaries of the facility, unless the new boundaries are completely within the previous boundaries or the facility components outside the previous boundaries are underground.
- For a large wind farm or economically significant wind farm:
 - ❖ Increases the number of wind turbines;
 - ❖ Increases the height of a wind turbine.
- Specifies the addition of a battery storage system to a utility facility does not constitute a material amendment.

County approval regarding utility facilities

- Requires a person, before applying for a PSB certificate, or material amendment to an existing certificate, for placement of a utility facility in the unincorporated area of a county, to hold a public meeting in each county in which the facility is to be located.
- Requires the prospective applicant to provide certain information at the public meeting and to the board of county commissioners regarding the utility facility that is the subject of the application.
- Allows a board of county commissioners, no later than 90 days after receiving information about the utility facility at the public meeting, to adopt a resolution prohibiting its construction or limiting its geographic size.

PSB membership regarding utility facilities

- Requires that, for all applications pertaining to a certificate, or a material amendment to an existing certificate, for a utility facility, PSB must include two voting ad hoc members to represent the interests of the residents of the counties and townships in which the utility facility is to be located.
- Requires the voting ad hoc members to be the chairperson of the board of township trustees and the president of the board of county commissioners of the township and county in which the utility facility is to be located, or their designees.
- Stipulates that, if the utility facility is to be located in multiple townships or counties, a single voting ad hoc member will be chosen by a majority vote the boards of township trustees to represent all of those townships, and a single voting ad hoc member will be chosen by a majority vote of all the boards of county commissioners to represent all of those counties.
- Requires that a board of county commissioners and a board of township trustees designate one voting ad hoc PSB member each, not later than 30 days after receiving notice that an application to PSB for a certificate or amendment for a utility facility has been determined to be complete and accepted.

Ad hoc PSB member restrictions

- Prohibits, if a board of township trustees or board of county commissioners seeks to adopt a resolution to intervene in a power siting board case for which it is entitled to have a voting ad hoc member, the member who will serve as an ad hoc member from voting on the resolution to intervene unless they designate another as the ad hoc member.
- Prohibits present and former voting ad hoc PSB members from disclosing or using confidential information acquired in the course of official duties without appropriate authorization.
- Exempts voting ad hoc PSB members from limits on ex parte communications with any party to a PSB proceeding, but requires the ad hoc member and the party to disclose the date of the conversation and all participants in the conversation who are parties.

PSB certification process

- Requires PSB to notify boards of township trustees and boards of county commissioners that an application has been filed for a certificate, or a material amendment to an existing certificate, to construct a utility facility in their township or county.
- Prohibits PSB from granting a certificate, or material amendment, for a utility facility if the prospective applicant provided different information to the board of county commissioners for the public meeting regarding nameplate capacity, geographic area, and generation type than what PSB possesses.
- Prohibits PSB from granting a certificate, or a material amendment to an existing certificate, if the utility facility exceeds the limited boundaries set by the board of county commissioners by resolution.

Decommissioning requirements for wind and solar facilities

- Requires an applicant for a certificate, or a material amendment to an existing certificate, for a utility facility to submit a comprehensive decommissioning plan for the facility for PSB to review and approval 60 days before beginning construction.
- Requires the plan to be prepared by a professional engineer, designate the responsible parties for decommissioning, a schedule of decommissioning, and cost estimates.
- Requires the posting of a performance bond that meets certain requirements imposed by the act before construction may begin.

Applicability to pending certificates for utility facilities

- States that, for an application for a certificate, or a material amendment to an existing certificate, for a utility facility that has been filed with PSB, but has not been found to be in compliance with the application requirements and accepted, as of the act's effective date (October 11, 2021), the PSB shall include voting ad hoc members.

Applicability to pending certificates for wind farms

- States that the act applies to any application for an economically significant wind farm or large wind farm that has been filed with PSB, but has not has been found to be in compliance with the application requirements and has not been accepted, by November 10, 2021 (30 days after the act's effective date).
- States that any application for such a wind farm is subject to review and approval by the board of county commissioners of the county in which the utility facility is to be located and the board has until January 10, 2022, to prohibit its construction or limit its size.

Applicability to pending certificates for large solar facilities

- States that applications for a certificate or material amendment to an existing certificate for a large solar facility are not subject to the act's provisions if, as of October 11, 2021:
 - The facility is in the PJM Interconnection and Regional Transmission Organization, L.L.C. (PJM), New Services Queue;
 - The application has been found to be in compliance with the application requirements by the PSB Chairperson (or the Chairperson's designee) and has been accepted by PSB; and
 - The applicant has received a completed system impact study from PJM and has paid the filing fee for the facilities study to PJM.
- States that if a large solar facility meets the above requirements and has multiple positions in the New Services Queue under the same legal entity as an applicant, all the queue positions in effect on October 11, 2021, are exempt from the act.
- States that if, after October 11, 2021, the applicant files an additional new service request with PJM pertaining to the facility, the application is subject to review by the board of county commissioners of the county in which the facility is to be located.
- States that if a large solar facility submits a new queue position for an increase in capacity interconnection rights after October 11, 2021, in order to participate in PJM's capacity market which does not increase the facility's nameplate capacity, the change does not subject the facility to the act.

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DETAILED ANALYSIS

Restricted areas

The act creates a process under which a board of county commissioners may designate all or part of the unincorporated area of a county as a restricted area to prohibit the construction of a “utility facility,” which is defined as any or all of the following:¹

- “Economically significant wind farm,” defined as wind turbines and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of five or more megawatts but less than 50 megawatts. The term excludes any such wind farm in operation on June 24, 2008. The term also excludes one or more wind turbines and associated facilities that are primarily

¹ R.C. 303.57, 303.58, and 4906.01; R.C. 4906.13, not in the act.

dedicated to providing electricity to a single customer at a single location and that are designed for, or capable of, operation at an aggregate capacity of less than 20 megawatts, as measured at the customer's point of interconnection to the electrical grid.

- "Large solar facility" means an electric generating plant that consists of solar panels and associated facilities with a single interconnection to the electrical grid that is a "major utility facility" (which is an electric generating facility and associated facilities designed for, or capable of, operation at 50 megawatts or more).
- "Large wind farm" means an electric generating plant that consists of wind turbines and associated facilities with a single interconnection to the electrical grid that is also a major utility facility.

No utility facility within restricted areas

The act prohibits a person from filing an application for a certificate, or a material amendment to an existing certificate, to construct, operate, or maintain a utility facility in a restricted area, if such a facility is prohibited in that restricted area.² Likewise, the act prohibits the Power Siting Board (PSB) from accepting a filing for, or granting, such a certificate or a material amendment to such an existing certificate.³

Material amendment

The act defines a "material amendment" to mean an amendment to an existing PSB certificate that does any of the following:⁴

- For a utility facility:
 - Changes the facility's generation type from one type of utility facility to another;
 - Increases the facility's nameplate capacity; or
 - Changes the boundaries of the facility, unless the new boundaries are completely within the previous boundaries or the facility components outside the previous boundaries are underground.
- For a large wind farm or economically significant wind farm:
 - Increases the number of wind turbines; or
 - Increases the height of a wind turbine.

Material amendments do not include the addition of a battery storage system to a utility facility.⁵

² R.C. 303.60.

³ R.C. 303.60 and 4906.101.

⁴ R.C. 303.57(C)(1).

⁵ R.C. 303.57(C)(2).

Procedure to designate a restricted area

A board of county commissioners may adopt a resolution designating one or more restricted areas, and fixing their boundaries, at a regular meeting of the board or at a special meeting called for the purpose of discussing such a resolution. Any resolution designating a restricted area must include a map of the restricted area, and texts sufficient to identify the boundaries of the restricted area. A copy of the resolution, texts, and maps must be filed with the county recorder's office.⁶

At least 30 days prior to a meeting at which such a resolution will be discussed, the board must do the following:⁷

- Provide public notice of the date and time of the meeting by one publication in a newspaper of general circulation within the county;
- Publicly post a map showing the boundaries of the proposed restricted area at all public libraries within the county; and
- Provide written notice of the meeting, by first class mail, to all school districts, municipal corporations, and boards of township trustees located in whole, or in part, within the boundaries of the proposed restricted area.

The act requires the board to repeat the "30-day" steps described above before the board may modify a previously adopted resolution creating a restricted area.⁸

Effect of adoption of resolution on existing applications

The act provides that the adoption of a resolution creating a restricted area has no effect on the construction of a utility facility that has already been presented to the board of county commissioners, if the board did not adopt a resolution prohibiting the facility within the time required for such a resolution. (See "**Board of county commissioners' rejection or modification of project**" below.)⁹

Referendum re: designation of a restricted area

The act conditions the designation of a restricted area upon the right of referendum the act grants county voters. A resolution designating a restricted area becomes effective 30 days from the day it is adopted, unless a referendum petition is filed with the board of county commissioners.

Referendum process

Petition certification

If a timely referendum petition regarding the designation of a restricted area is filed with the board of county commissioners, the board must certify the petition to the county board of

⁶ R.C. 303.58(B) and (D).

⁷ R.C. 303.58(C)(2).

⁸ R.C. 303.58(C)(3).

⁹ R.C. 303.58(E).

elections (1) within two weeks after receiving it and (2) not less than 90 days before the election at which the question regarding the restricted area designation will be held. If the board of elections determines the petition is sufficient and valid, the question will be voted on at a special election held during either the next primary or general election that occurs at least 120 days after the petition is filed with the board of county commissioners.

Petition requirements

The referendum petition must (1) be signed by the number of registered voters residing in the county equal to at least 8% of the total votes cast for all candidates for governor in that county at the most recent general election at which a governor was elected and (2) request the board of county commissioners to submit the petition to the county board of elections. Each petition must contain a brief summary of the contents of the resolution designating the restricted area. The petition must contain the number and the full and correct title, if any, of the resolution. These requirements are in addition to current Ohio law governing petitions (R.C. 3501.38, not in the act).

The act also sets forth the basic form for a “Petition for Referendum on the Designation of a restricted area prohibiting the construction of utility facilities,” that includes, for example, the name or number of the resolution, if any, a brief summary of the resolution, the county name, a statement by the petition circulator relating to signature collection, and the statement that election falsification is a fifth degree felony. The form actually used must substantially follow this basic form.

Voter action

The resolution designating the restricted area will not take effect unless it is approved by a majority of voters voting on it. If a majority of the voters approve the resolution, it will take effect immediately.

Post-voter approval actions

Within five working days after the resolution’s effective date, the board of county commissioners must file the resolution and all accompanying maps and texts with the county recorder and with the county or regional planning commission, if one exists. However, the failure to file with the recorder the resolution, maps, and texts, will not invalidate the resolution.¹⁰

County approval regarding utility facilities

Pre-PSB application public meeting and notice

At least 90, but no more than 300 days, before applying for a certificate, or a material amendment to an existing certificate, from PSB for a utility facility to be located (in whole or in part) in the unincorporated area of a county, the person intending to apply for the certificate or amendment must hold a public meeting in each county in which the utility facility is to be located. The prospective applicant must provide written notice regarding the meeting to the board of

¹⁰ R.C. 303.59.

county commissioners of the county, as well as the boards of trustees of every township in which the utility facility is to be located within that county, at least 14 days before the meeting is held.¹¹

Information provided at meeting

At the public meeting, the prospective applicant must provide the following information, and also must provide it in written form to the board of county commissioners:

- Whether the utility facility is:
 - An economically significant wind farm;
 - A large wind farm; or
 - A large solar facility.
 - The maximum nameplate capacity of the utility facility;
 - A map of the proposed geographic boundaries of the project within that county.

Further, at the public meeting, the prospective applicant for a material amendment “that makes any change or modification to an existing certificate”¹² must comply with the above requirements for the pre-PSB application public meeting and notice when providing information regarding that change or modification to the board of county commissioners.¹³

Board of county commissioners’ rejection or modification of project

Not later than 90 days after the public meeting regarding the proposed application for a PSB certificate, or a material amendment to an existing certificate, for a utility facility, the board of county commissioners may adopt a resolution that does either of the following:¹⁴

- Prohibits the construction of the proposed utility facility;
- Limits the boundaries of the proposed utility facility to a smaller geographic area of the county, completely within the area proposed by the applicant.

If a resolution is not adopted within the time required, the application may proceed as filed with PSB. A resolution to prohibit or limit a utility facility does not prevent a prospective applicant from filing another proposal for consideration by the board of county commissioners at a later date.¹⁵

¹¹ R.C. 303.61(A) and (B).

¹² It is not clear what this apparent modification (language in quotations) to the term “material amendment” means.

¹³ R.C. 303.61(C).

¹⁴ R.C. 303.62(A).

¹⁵ R.C. 303.62(B) and (C).

PSB membership regarding utility facilities

Voting ad hoc PSB members

The act requires PSB to include two voting ad hoc members in all cases involving an application for a certificate, or a material amendment to an existing certificate, for a utility facility. The voting ad hoc members represent the interests of the residents of the area (county and township) in which the utility facility is to be located. The voting ad hoc members must be designated not later than 30 days after a board of county commissioners or board of township trustees receives notification that an application has been found to be in compliance with the application requirements by the chairperson of PSB (or the chairperson's designee) and has been accepted by PSB. The voting ad hoc members must be:

- The chairperson of the board of township trustees of the township in which the utility facility is to be located, or the chairperson's designee; and
- The president of the board of county commissioners of the county in which the utility facility is to be located, or the president's designee.¹⁶

(See "**Designee requirements**," below regarding who can be a designee.)

If the utility facility is to be located in multiple townships, a single ad hoc member must be chosen by a majority vote of the boards of township trustees of all of the townships in which it is to be located to represent those townships. Likewise, if a utility facility is to be located in multiple counties, a single ad hoc member must be chosen by a majority vote of the boards of county commissioners of all the counties in which it is to be located to represent those counties.¹⁷

The act prohibits a person from serving as an ad hoc PSB member if the person:¹⁸

- Is party to a lease agreement with, or has granted an easement to, the developer of a utility facility;
- Holds any other beneficial interest in a utility facility;
- Has an immediate family member who is party to a lease agreement with, or has granted an easement to, the developer of the utility facility;
- Has an immediate family member who holds any beneficial interest in a utility facility; or
- Has an immediate family member who has intervened in the PSB proceeding for which the ad hoc member is included.

¹⁶ R.C. 4906.02(A)(2), 4906.021(B), (C)(1), and (E), and 4906.022.

¹⁷ R.C. 4906.021(C)(2) and (3).

¹⁸ R.C. 4906.021(D)(1).

If an individual has a conflict of interest, as just described, the individual cannot serve as an ad hoc member of PSB and a new ad hoc member must be appointed as provided above.¹⁹

The act defines an “immediate family member” to mean a person’s:²⁰

- Spouse;
- Brother or sister, of the whole, or of the half, blood, or by marriage;
- Children, including adopted children; and
- Parents.

Limitations and restrictions on voting ad hoc PSB members

Designee requirements

A designee tapped to serve as a voting ad hoc PSB member must be a resident of the same political subdivision as the designator or another elected official from that subdivision.²¹

Intervenor actions

If a board of township trustees or board of county commissioners seeks to adopt a resolution to intervene in a PSB case for which it is entitled to have a voting ad hoc member, the member of that body who will serve as a voting ad hoc member cannot vote on the resolution to intervene, unless the member designates another ad hoc member, consistent with the requirements described above.”²²

Ex parte communications

A voting ad hoc member of PSB is exempt from all limitations on ex parte communications. However, if an ad hoc member communicates with a party, including any intervening party, to a PSB proceeding, the ad hoc member and the party must disclose to PSB the date of the conversation and all participants in the conversation who are parties to the case.²³

Confidentiality

No present or former voting ad hoc member may disclose or use, without appropriate authorization, information acquired in the course of official duties that is confidential because of the following:²⁴

- Statutory law; or
- Notice the ad hoc member received designating the information as confidential if the status of the proceedings or the circumstances under which the information was received

¹⁹ R.C. 4906.021(C)(2).

²⁰ R.C. 4906.021(A).

²¹ R.C. 4906.021(E).

²² R.C. 4906.023

²³ R.C. 4906.024.

²⁴ R.C. 4906.025.

warrants its confidentiality and preserving its confidentiality is necessary to the proper conduct of governmental activities.

PSB certification process

Copies of PSB certificate applications for townships and counties

The act requires that PSB provide full and complete copies of an application for a certificate, or a material amendment to an existing certificate, to the boards of county commissioners and the boards of township trustees of all counties and townships in which a utility facility is to be located. The application must be provided no later than three days after it has been found to be in compliance with the application requirements by the PSB Chairperson (or the Chairperson's designee) and has been accepted by PSB.²⁵ The copies may be provided in any of the following formats:²⁶

- Paper copy;
- Electronic format; or
- An electronic communication containing a link to the application, if posted on PSB's website.

Situations in which PSB certificate/amendment cannot be issued

PSB cannot grant a certificate, or a material amendment to an existing certificate, for a utility facility, if any of the following apply regarding the information the prospective applicant provides to the board of county commissioners for the public meeting (see "**Pre-PSB application meeting and public notice**," above):

- The nameplate capacity exceeds what was provided;
- The geographic area is not completely within the boundaries originally provided to the board of county commissioners; or
- The type of generation is different than what was provided.

Additionally, PSB cannot grant a certificate or an amendment, if the facility exceeds the limited boundaries set by the board of county commissioners by resolution (see "**Board of county commissioners' rejection or modification of project**" above).²⁷

PSB action following county prohibition or limitation

The act prohibits PSB from granting a certificate, or a material amendment to an existing certificate, either as proposed or modified by PSB, to a utility facility to be located in a county in which the board of county commissioners has adopted a resolution prohibiting the construction of that type of utility facility. If a utility facility is to be located in multiple counties and not all of

²⁵ R.C. 4906.31(A).

²⁶ R.C. 4906.31(B).

²⁷ R.C. 4906.30(B).

the boards of county commissioners have adopted a prohibition resolution, PSB must modify the certificate or amendment to exclude all areas in which such construction is prohibited.²⁸

Likewise, if a board of county commissioners has adopted a resolution limiting the boundaries of the proposed utility facility to a smaller geographic area within the area proposed by the applicant, PSB cannot grant a certificate or amendment to a utility facility that includes any area outside of the area approved by the board of county commissioners.²⁹ (See, “**Board of county commissioners’ rejection or modification of project**,” above discussing the prohibition or limitation of a utility facility project.)

Decommissioning requirements for wind and solar facilities

Decommissioning plan

The act requires that, at least 60 days prior to beginning construction of a utility facility, the applicant for a certificate, or a material amendment to an existing certificate (or any subsequent person to whom the certificate is transferred) must submit a comprehensive decommissioning plan for review and approval by PSB.³⁰ The plan must be prepared by a professional engineer registered with the State Board of Registration for Professional Engineers and Surveyors. PSB may reject the engineer chosen by the applicant and require the applicant to choose another qualified engineer.³¹

The decommissioning plan must include:³²

- A list of all parties responsible for decommissioning;
- A schedule of decommissioning activities, not to extend beyond 12 months from the date the utility facility ceases operation;
- An estimate of the full costs of decommissioning the utility facility, including the proper disposal of all facility components and restoration of the land on which the facility is located to its pre-construction state. The estimate cannot take into account the salvage value of any materials from the facility.

The act requires the applicant to recalculate the decommissioning cost estimate every five years. The recalculation must be done by an engineer retained by the applicant.³³

²⁸ R.C. 4906.102.

²⁹ R.C. 4906.103.

³⁰ Please note, R.C. 4906.21 (definition section) contains a technical error. R.C. 4906.232 should be “R.C. 4906.222.”

³¹ R.C. 4906.21 and 4906.211(A).

³² R.C. 4906.211(B).

³³ R.C. 4906.212.

Decommissioning performance bond

The act requires that, prior to beginning construction of a utility facility, the applicant must post a performance bond to ensure that funds are available for decommissioning the facility. PSB must be named as the obligee of the performance bond.³⁴

The performance bond must equal the estimate of the costs of decommissioning included in the decommissioning plan and must be updated every five years. If decommissioning costs are greater in the new estimate than they were in the preceding estimate, the performance bond must be increased proportionately. The performance bond can never decrease, even if the estimated cost of decommissioning decreases.³⁵

Applicability to utility facilities

The act states that PSB shall include voting ad hoc members for each application for a certificate, or a material amendment to an existing certificate, for a utility facility that has been filed with, but has not been found to be in compliance with the application requirements by the Chairperson of PSB (or the Chairperson's designee) and accepted by PSB as of the act's effective date, October 11, 2021.³⁶

Applicability to pending certificates for wind farms

The act states that its provisions apply to any application for a large wind farm or economically significant wind farm that has been filed with PSB, but has not been found to be in compliance with the application requirements by the PSB Chairperson (or the Chairperson's designee) and has not been accepted by PSB by November 10, 2021 (30 days after the act's effective date). Any such application not found to be in compliance and that has not been accepted is subject to review by the board of county commissioners of the county in which the utility facility is to be located. The board of county commissioners has until January 10, 2022, to review the application and to adopt a resolution prohibiting the construction of the utility facility or limiting its boundaries.³⁷

Applicability to pending certificates for large solar facilities

The act states that an application for a certificate or material amendment to an existing certificate for a large solar facility is not subject to the act's provisions if:³⁸

- The facility is in the PJM Interconnection and Regional Transmission Organization, L.L.C. (PJM), New Services Queue at the time the application has been found to be in

³⁴ R.C. 4906.22.

³⁵ R.C. 4906.221 and 4906.222.

³⁶ Section 5.

³⁷ Section 3.

³⁸ Section 4(A).

compliance with the application requirements by the PSB Chairperson (or the Chairperson's designee);

- The application has been accepted by PSB; and
- As of October 11, 2021, the applicant has received a completed system impact study from PJM for the facility and has paid the filing fee for the facilities study to PJM.

Additionally, the act states that if a large solar facility that meets the above requirements and has multiple positions in the New Services Queue under the same legal entity as the applicant, all the queue positions in effect on October 11, 2021, are exempt from the act.³⁹

However, if an applicant files an additional new service request with PJM pertaining to the facility after October 11, 2021, the application is subject to review by the board of county commissioners of the county in which the facility is to be located (see **“Board of county commissioners’ rejection or modification of project”** above).⁴⁰ But note, the act further provides that if, after that date, in order to participate in PJM's capacity market, a large solar facility submits a new queue position for an increase in capacity interconnection rights, that change does not subject the facility to the act, but only if the change does not increase the facility's nameplate capacity.⁴¹

HISTORY

Action	Date
Introduced	02-09-21
Reported, S. Energy & Public Utilities	06-02-21
Passed Senate (20-13)	06-02-21
Reported, H. Public Utilities	06-28-21
Passed House (52-44)	06-28-21
Senate concurred in House amendments (21-12)	06-28-21

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³⁹ Section 4(B).

⁴⁰ Section 4(C).

⁴¹ Section 4(D).

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Summary: Testimony - Direct Testimony of Daniel Vertucci electronically filed by
Christine M.T. Pirik on behalf of Fountain Point Solar Energy LLC.