

FILE

PUCO EXHIBIT FILING

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Date of Hearing: 11/14/2023

PUCO

Case No. 20-1288-EL-B6N

PUCO Case Caption: In the Matter of the Application
of Hecate Energy Highland 4 LLC for a Certificate
of Environmental Compatibility and Public Need.

List of exhibits being filed:

NMS Exhibits 15 (thumb drive), 16, 17 (thumb
drive), 19, 20, 25, 26, 28

EVS Exhibits 3, 8, 9,

This is to certify that the images appearing are an
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NOV 22 2023
Technician SD Date Processed

Reporter's Signature: Karen Sue Gibson

Date Submitted: 11/21/2023

BEFORE THE OHIO POWER SITING BOARD

- - -

In the Matter of the :
Application of Hecate :
Energy Highland 4 LLC for :
a Certificate of : Case No. 20-1288-EL-BGN
Environmental :
Compatibility and Public :
Need. :

- - -

PROCEEDINGS

before Mr. Nicholas Walstra and Mr. Jesse Davis,
Administrative Law Judges, at the Public Utilities
Commission of Ohio, 180 East Broad Street, Room 11-D,
Columbus, Ohio, called at 10:05 a.m. on Tuesday,
November 14, 2023.

- - -

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

- - -

CHANGES IN ROBERT HOLDERBAUM'S WRITTEN TESTIMONY

	<u>November 9, 2023 Written Testimony</u>	<u>November 7, 2023 Written Testimony</u>
5A	I served as the overall Staff Project Lead for the investigation that resulted in the Staff Report of Investigation (Staff Report) that was filed in this docket on January 4, 2021. I managed the Staff investigation and preparation of the Staff Report in this case. As a result of that investigation, I testified in support of the Joint Stipulation and Recommendation that was filed in the case on January 22, 2021, and ultimately adopted by the Board on March 18, 2021. Further, I participated in the compliance investigation that resulted in the Compliance Inquiry Report that was filed in the case on October 18, 2022.	I served as the overall Staff Project Lead for the investigation that resulted in the Staff Report of Investigation (Staff Report) that was filed in this docket on January 4, 2021. I managed the Staff investigation and preparation of the Staff Report in this case
6A	Originally, the Board approved, subject to stipulated conditions, the Applicant's proposed construction of a 100 MW Solar Generation Facility (Facility) in Highland County. As part of that approval, the Board required that the Facility be installed with property setbacks of at least 100 feet from all property lines, including public roads. This setback limitation was described throughout the course of the Board's record, including (1) as part of the application (page 22), (2) as part of the Applicant's supplemental filings (see, Data Response on December 23, 2020, which is attached to my testimony), and (3) as adopted by the Board (see, Opinion, Order and Certificate (March 18, 2021)). This case results from the Applicant's failure to construct the Facility in recognition of the 100-foot setback requirement.	The Applicant proposed to construct a new 110 MW Solar Generation Facility in Highland County
7A	Staff's original investigation included reviewing the application, conducting site visits to the proposed facility	Staff's investigation included reviewing the application, conducting site visits to the proposed facility location, acquiring

	<p>location, acquiring additional information from the Applicant, obtaining input from other relevant state and federal agencies, and preparing the Staff Report that presented Staff's analysis, conclusions, and recommendations. As a result of Staff's investigation, the Board adopted Staff recommendation to approve the application, as modified within the Stipulation. Staff conducted an additional investigation of this case in response to the certificate holder's self-reported construction violations on September 12, 2022. In that self-report, the Facility described 39 locations within the Facility where equipment installation occurred within the designated 100-foot setback. As a result of that self-report, Staff conducted a site inspection on September 30, 2022, which demonstrated that 38 of the 39 self-reported construction setback violations were valid.</p>	<p>additional information from the Applicant, obtaining input from other relevant state and federal agencies, and preparing a Staff Report of Investigation that presents Staff's analysis, conclusions, and recommendations. As a result of Staff's investigation, Staff recommended that the Board approve the application, subject to the 23 conditions that are presented in the Staff Report, as modified within the Stipulation.</p>
8Q	<p>Please describe Staff's review of the final engineering drawings submitted to Staff as required by Condition 8 in the Opinion and Order issued for the project on March 18, 2021.</p>	<p>Please describe Staff's review when receiving the final engineering drawings submitted to Staff as required by Condition 8 in the Opinion and Order issued for the project on March 18, 2021.</p>
8A	<p>Consistent with its practices, Staff reviewed the final engineering drawings to verify that the drawings were created by a professional engineering firm and in a format that the public could access on the case docket. Staff's treatment of this filing (verification of formatting consistent with filing on the case docket) is consistent with its treatment of the numerous other condition compliance filings that occurred in this case between March 19 and April 14, 2021. Further,</p>	<p>Staff reviews the final engineering drawings to verify the drawings were created by a professional engineering firm. Staff keeps a record of the drawings for unforeseen future circumstances, and as a record in the case docket for the public to have access to.</p>

	Staff's treatment of this filing is consistent with its protocol as to all engineering drawings that are filed in satisfaction of a certificate holder's condition compliance.	
9Q	Please describe Staff's review when receiving the final engineering drawings submitted to Staff as required by Condition 8 in the Opinion and Order issued for the project on March 18, 2021.	Please describe the basis for Staff's review protocol as to the final engineering drawings.
9A	As the Applicant is limited by the conditions set forth in the certificate, there is no added benefit to Staff performing an independent technical review of the final engineering drawings. Further, such a duplicative review would require Staff to retain expert consultant services that are not cost justified.	The Applicant stated they would abide by this setback requirement on page 22 of the Application filed in the case docket on September 2, 2020. Additionally, on December 14, 2020, the Applicant responded to a data request from Staff confirming their commitment to abide by the 100-foot setback. A record of the Applicant's data request response is attached to my testimony.

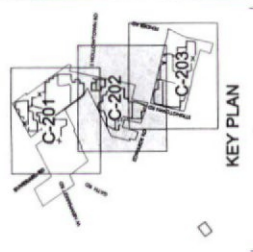


EXHIBIT 8



PROJECT NEW MARKET

LOCATION
HIGHLAND
COUNTY, OH

SCALE



0 300 600
SCALE IN FEET

#	DATE	DESCRIPTION
1	10/1/78	...
2	10/2/78	...
3	10/3/78	...
4	10/4/78	...
5	10/5/78	...
6	10/6/78	...
7	10/7/78	...
8	10/8/78	...
9	10/9/78	...
10	10/10/78	...
11	10/11/78	...
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24	10/24/78	...
25	10/25/78	...
26	10/26/78	...
27	10/27/78	...
28	10/28/78	...
29	10/29/78	...
30	10/30/78	...
31	10/31/78	...

PRELIMINARY NOT FOR
CONSTRUCTION OR PROCUREMENT
PROFESSIONAL CERTIFICATION

DRAWN BY NO	CHECKED BY DB
DATE 2021.02.05	PROJECT # 2020-189.1

SHEET NAME
SITE AND GRADING
PLAN

C-203

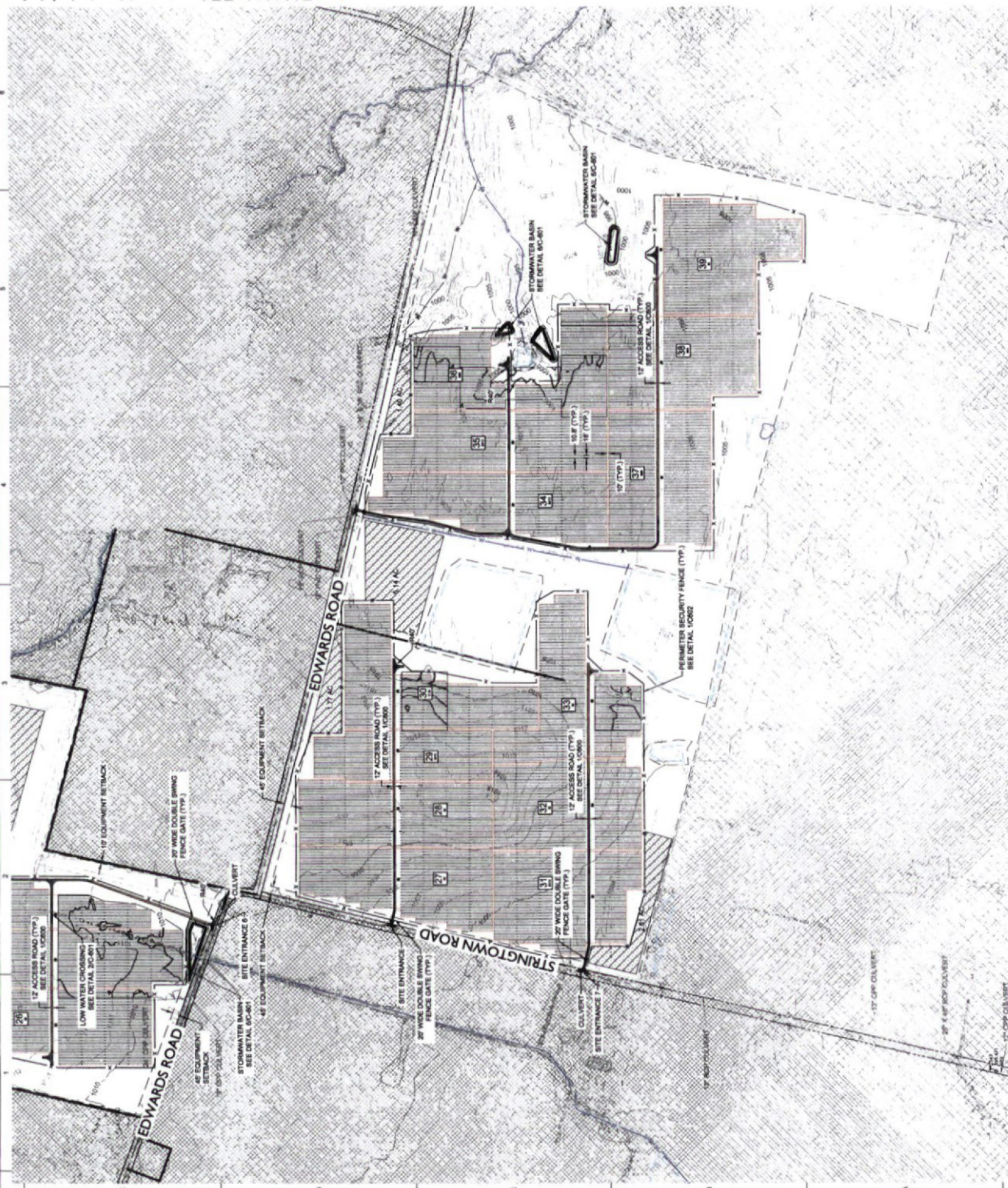
LEGEND

EXISTING FEATURES

PROPERTY LINE
EASEMENT LINE
ROAD RIGHT OF WAY
NON-PARTICIPATING PROPERTIES
ROAD CENTERLINE
FENCE
WETLANDS
WATERBODY
SHALE
WATER MAIN
CULVERT
OVERHEAD POWER
MAJOR CONTOUR
MINOR CONTOUR

PROPOSED FEATURES

	AGGREGATE ROAD
	POTENTIAL LAYDOWN AREA
	POWER BLOCK BOUNDARY
	CHAIN LINK FENCE
	SETBACK LINE
	CULVERT
	GRADING EDGE
	MAJOR CONTOUR
	MINOR CONTOUR
	RIPPRAP
	SEDIMENT BASIN
	SWALE / DITCH
	DRIFT ROAD EXTENTS



ONE YEAR ONLY

EXHIBIT 8



PROJECT
NEW MARKET

LOCATION
HIGHLAND
COUNTY, OH
SUBMITTAL
60% SUBMITTAL

SCALE
1" = 400'



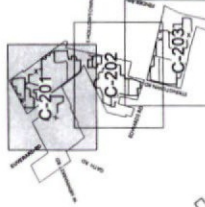
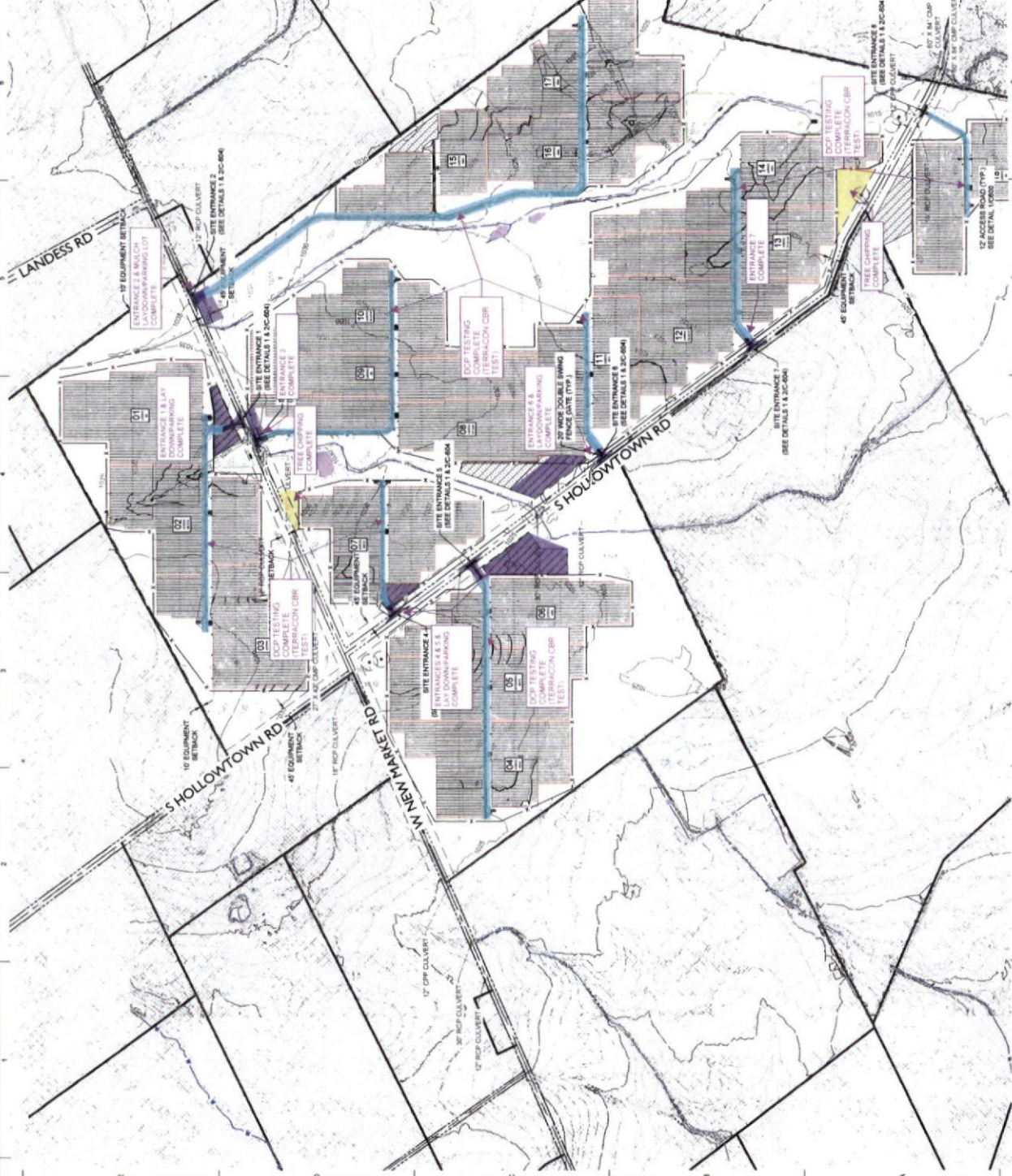
DATE DESCRIPTION

PROFESSIONAL CERTIFICATION
CONSTRUCTION OR PROCUREMENT

CHECKED BY
NO DB
PROJECT #
DATE 05.28.2021 2020-185.1

SHEET NAME
SITE AND GRADING
PLAN
SHEET NUMBER
C-201

- LEGEND**
- EXISTING FEATURES**
- PROPERTY LINE
 - ROAD RIGHT OF WAY
 - NON-ADJACENT PROPERTIES
 - EXISTING CENTERLINE
 - WETLANDS
 - WATERBODY
 - WATER MAIN
 - OVERHEAD POWER
 - CULVERT
 - MINOR CONTOUR
- PROPOSED FEATURES**
- AGGREGATE ROAD
 - POTENTIAL LAYDOWN AREA
 - POWER BLOCK BOUNDARY
 - EXISTING FENCE
 - SETBACK LINE
 - CULVERT
 - GRADING EDGE
 - EXISTING CONTOUR
 - MINOR CONTOUR
 - SEWER
 - SEWER MAIN
 - SWALE / DITCH
 - DIRT ROAD EXTENTS
- LEGEND**
- FENCE
 - CLEAR & GRUB
 - TREE CHIPPING
 - SITE GRADING
 - SEGMENT BASINS
 - ACCESS ROADS
 - LAYDOWNS / ENTRANCES



KEY PLAN

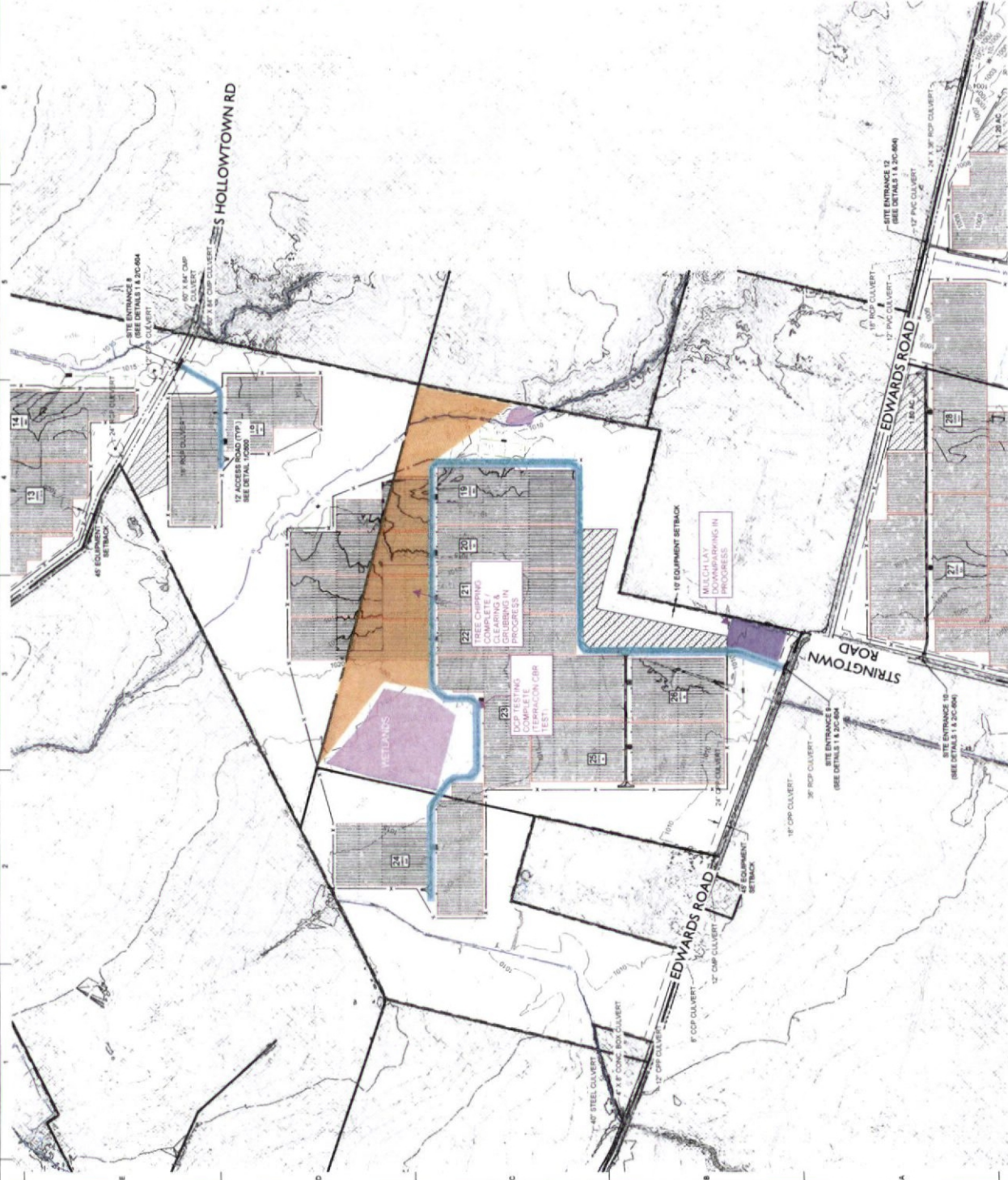


EXHIBIT 9

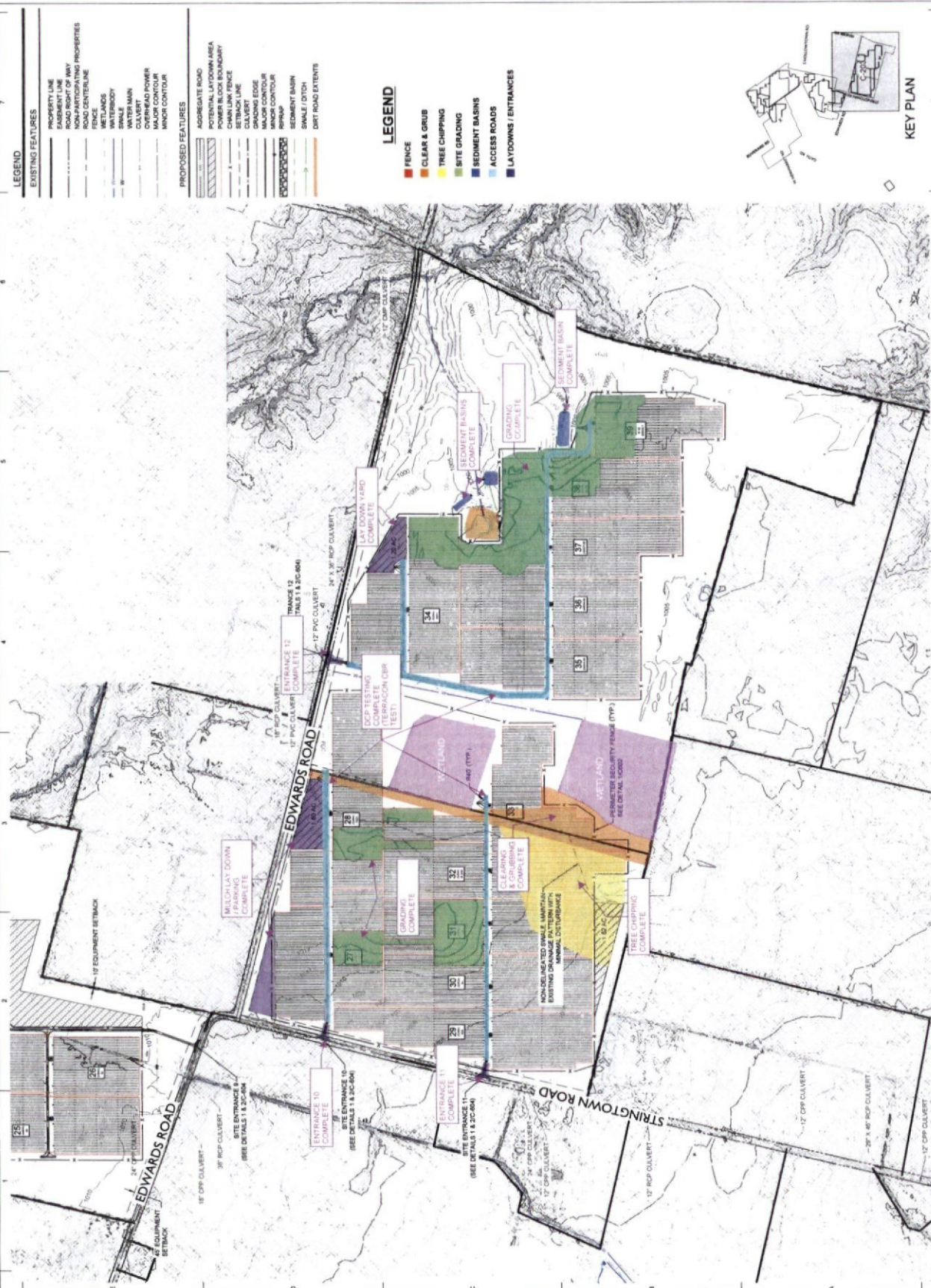
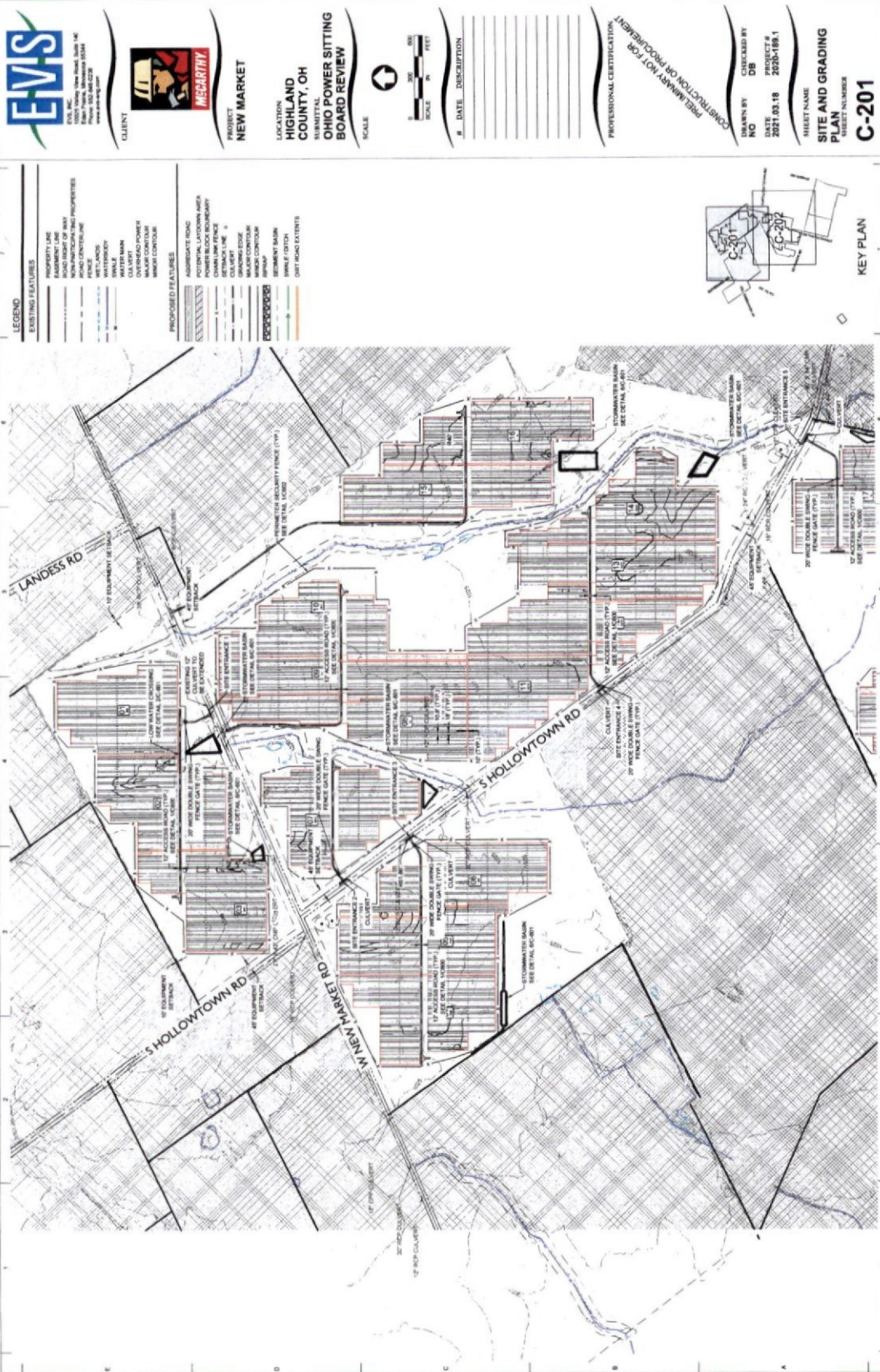
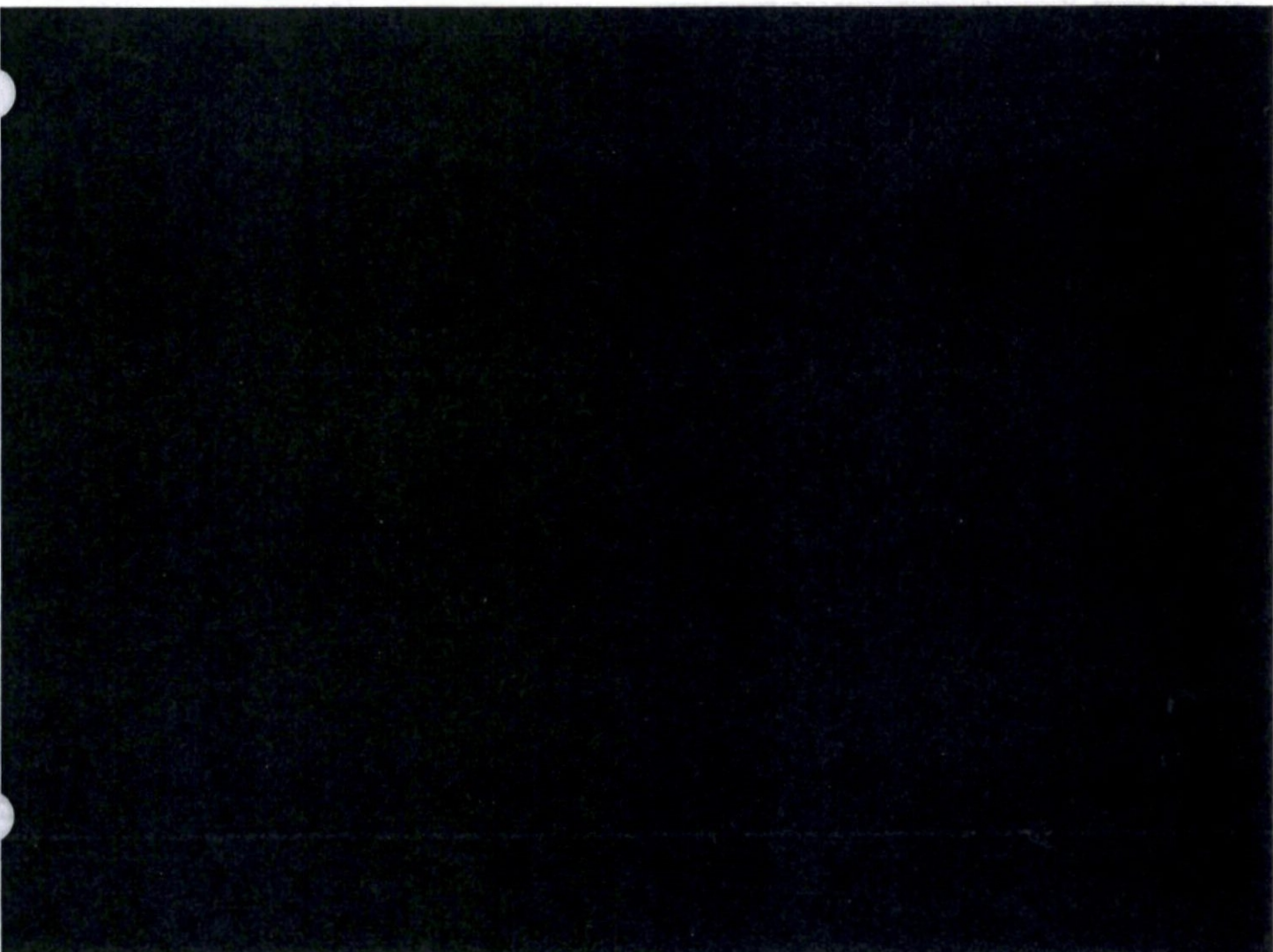


EXHIBIT 9



NMS EXHIBIT 19



From: Gagliardi, Danelle M. <danelle.gagliardi@squirepb.com>

Sent: Tuesday, March 23, 2021 8:48 PM

To: robert.holderbaum@puco.ohio.gov

Cc: Patti Shorr <PShorr@hecateenergy.com>; Jared Wren <jwren@hecateenergy.com>; Winters, Karen A. <karen.winters@squirepb.com>; Sean Fairfield <Sean.Fairfield@algonquinpower.com>

Subject: RE: Hecate Energy's New Market Solar Project - Case No. 20-1288-EL-BGN

Ashton,

As you may have seen, we made several filings on the docket today regarding compliance with Conditions 8, 12, 14, 15, 16, and 23 of the Certificate for New Market Solar I. We have uploaded the relevant shapefiles and other associated documentation to the OPSB sharefile site, as well as courtesy copies of the corresponding documents for New Market Solar II.

Please let us know if you have any questions or trouble accessing the documents.

Thank you,
Danelle



Danelle M. Gagliardi
Associate
T +1 614 365 2820
danelle.gagliardi@squirepb.com

From: Gagliardi, Danelle M.
Sent: Friday, March 19, 2021 4:48 PM
To: 'robert.holderbaum@puco.ohio.gov' <robert.holderbaum@puco.ohio.gov>
Cc: Patti Shorr <PShorr@hecateenergy.com>; 'Jared Wren' <jwren@hecateenergy.com>; Winters, Karen A. <karen.winters@squirepb.com>; 'Sean.Fairfield@algonquinpower.com' <Sean.Fairfield@algonquinpower.com>
Subject: Hecate Energy's New Market Solar Project - Case No. 20-1288-EL-BGN

Ashton,

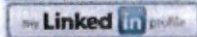
Please see the attached Preconstruction Notice letter, sent on behalf of Patti Shorr. We have uploaded the relevant shapefiles and other documentation to the OPSB sharefile site.

Please let us know if you have any questions or trouble accessing the documents.

Thank you,
Danelle



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New Market Solar Measurement Table September 30, 2022

Measurement	Feet from Road Center Line		
Measurement 39	100'1"	100	0
Measurement 11	97'2"	97	3
Measurement 24	96'5"	96	4
Measurement 17	94'4"	94	6
Measurement 2	91'2"	91	9
Measurement 35	89'9"	90	10
Measurement 26	89'10"	89	11
Measurement 27	88'10"	89	11
Measurement 16	86'9"	87	13
Measurement 4	86'	86	14
Measurement 6	85'9"	86	14
Measurement 7	85'7"	86	14
Measurement 31	85'9"	86	14
Measurement 32	85'7"	86	14
Measurement 3	84'7"	85	15
Measurement 23	85'	85	15
Measurement 29	85'5"	85	15
Measurement 1	84'1"	84	16
Measurement 34	83'8"	84	16
Measurement 15	83'1"	83	17
Measurement 30	82'11"	83	17
Measurement 22	82'10"	82	18
Measurement 25	82'3"	82	18
Measurement 14	81'1"	81	19
Measurement 5	78'9"	79	21
Measurement 12	77'8"	78	22
Measurement 28	77'11"	77	23
Measurement 8	75'8"	76	24
Measurement 10	76'	76	24
Measurement 18	76'1"	76	24
Measurement 19	76'5"	76	24
Measurement 36	76'	76	24
Measurement 9	75'5"	75	25
Measurement 13	75'2"	75	25
Measurement 20	73'2"	73	27
Measurement 21	71'2"	71	29
Measurement 38	71'2"	71	29
Measurement 37	68'7"	69	31
Measurement 33	67'11"	68	32

From: Kristy Ramkissoo <Kristy.Ramkissoo@algonquinpower.com>
 Sent: Fri 4/09/2021 7:15 PM (GMT-00:00)
 To: Yuri Otarov <Yuri.Otarov@algonquinpower.com>
 Cc: Gary Newton <Gary.Newton@algonquinpower.com>; Sean Fairfield
 <Sean.Fairfield@algonquinpower.com>; Homer Lensink
 <Homer.Lensink@algonquinpower.com>
 Bcc:
 Subject: RE: Highland - Pre-construction meeting debrief

Yuri - Below are my rough notes. Feel free to edit as you see fit.

- Confirmed tree clearing was completed on April 1 with no hiccups.
- OPSB staff (Ashton) has no concerns/objections to start of construction/this being the final pre-construction conference provided that we will comply with the stipulation conditions prior to the applicable construction activity
- Ashton requested a high level schedule with key activities and milestones – *Yuri to provide.*
- Staff may visit the site during construction depending on the nature of public/local complaints.
- Yuri/Jared to be the primary point of contacts with OPSB staff.

Regards,

Kristy

From: Yuri Otarov
Sent: Friday, April 9, 2021 2:05 PM
To: Kristy Ramkissoo <Kristy.Ramkissoo@algonquinpower.com>
Cc: Gary Newton <Gary.Newton@algonquinpower.com>; Sean Fairfield
 <Sean.Fairfield@algonquinpower.com>; Homer Lensink <Homer.Lensink@algonquinpower.com>
Subject: RE: Highland - Pre-construction meeting debrief

Thanks Kristy,

Yes, very happy with the way that meeting went. Ashton seems very reasonable

Yuri Otarov, M.Eng, P.Eng | Liberty Power | Senior Project Manager
 P: 905-465-4531 | C: 416-270-1334 | E: Yuri.Otarov@algonquinpower.com
 354 Davis Road, Suite 100, Oakville, ON L6J 2X1

From: Kristy Ramkissoo <Kristy.Ramkissoo@algonquinpower.com>
Sent: Friday, April 9, 2021 1:45 PM
To: Yuri Otarov <Yuri.Otarov@algonquinpower.com>
Cc: Gary Newton <Gary.Newton@algonquinpower.com>; Sean Fairfield
 <Sean.Fairfield@algonquinpower.com>; Homer Lensink <Homer.Lensink@algonquinpower.com>
Subject: Highland - Pre-construction meeting debrief

Yuri – Excellent news...no additional preconstruction meetings needed. I will send out my rough notes shortly.