

1 In the Matter of the Application of Scioto Ridge
2 Solar, LLC, for a Certificate of Environmental
3 Compatibility and Public Need
4

5 Case No. 23-146-EL-BGN
6

7
8 Moderated by Isabel Marcelletti

9 Tuesday, February 13, 2024

10 5:00 p.m.
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12
13 Hardin County Courthouse, Veteran's Hall

14 1 Courthouse Square, #100

15 Kenton, OH 43326
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21 Reported by: Carlos Toro Torres

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P R O C E E D I N G S

1
2 MS. MARCELLETTI: Good evening,
3 everyone. The Ohio Power Siting Board calls this
4 evening, case number 23-146-EL-BGN, which is caption
5 in the matter of the application of Scioto Ridge
6 Solar, LLC, for Certificate of Environmental
7 Compatibility and Public Need. My name is Izzy
8 Marcelletti, and I am the board's administrative law
9 judge assigned to hear this case tonight.

10 The passage of Senate Bill 52 provides
11 new opportunities for county commissioners and
12 township trustees to participate in the siting of
13 solar projects in their community.

14 County commissioners may choose one
15 commissioner or designee to serve as an ad hoc board
16 member. Likewise, township trustees may also choose
17 one trustee or designee to serve as their ad hoc board
18 member representative.

19 The Hardin County Commissioners
20 appointed Commissioner Tim Striker as one of the ad
21 hoc members for the project. Good evening,
22 Commissioner Striker. I believe you would like to
23 make an intro remark for us?

24 MR. STRIKER: Yes, just briefly. I
25 wanted to welcome everybody to the beautiful Hardin

1 County Courthouse, and do this chance to voice your
2 opinion either for or against. So welcome, and that's
3 it.

4 MS. MARCELLETTI: Thank you,
5 Commissioner.

6 Also, the board of trustees of Lynn,
7 McDonald, and Taylor Creek Townships have appointed
8 Lynn Township Trustee, Mr. Steven Oglesbee. Trustee
9 Oglesbee is raising your hand, thank you for attending
10 tonight.

11 And you all may have seen, there are
12 also staff members from the board assisting us with
13 the hearing tonight. Staff is to my right here. You
14 likely passed them on your way, but they are
15 individuals wearing the board shirts. They are
16 available if you have any questions concerning the
17 board's process or if you need assistance in accessing
18 any of the documents submitted in this case, or if you
19 have general questions about the hearing tonight.

20 And at this time, I would like to take
21 appearances on behalf of the parties, starting with
22 the applicant. Mr. Borchers?

23 MR. BORCHERS: Thank you, Your Honor.
24 On behalf of the applicant, Dylan Borchers with the
25 Law Firm of Bricker Graydon, 100 South Third Street,

1 Columbus, Ohio, 43215. I'm also joined by a number of
2 project representatives including technical experts
3 and experts in battery energy storage who are
4 available to answer questions at the end of this
5 hearing. Thank you.

6 MS. MARCELLETTI: Thank you.

7 Is there any counsel on behalf of the
8 interveners in this case? Seeing none. I would just
9 like to note, for folks in the crowd, there are
10 intervening parties in this case and that they may
11 participate at the evidentiary hearing, which will
12 take place at the Commissions Office.

13 The subject of tonight's hearing is an
14 application filed by Scioto Ridge for the purpose of
15 constructing a solar-powered electric generation
16 facility of up to 110 megawatts and a battery energy
17 storage system of about 20 megawatts in portions of
18 Lynn, McDonald, and Taylor Creek Townships in Hardin
19 County, Ohio.

20 The application was filed on August
21 15th of 2023. The board filed a report of
22 investigation on January 29, 2024. This report is a
23 recommendation of the board staff and does not
24 necessarily reflect what the board's final
25 determination in this case will be.

1 The purpose of this evening's public
2 hearing is to receive testimony regarding the
3 application from folks in the local community who are
4 affected by the proposed project. This public hearing
5 will not be a question-and-answer session, but rather
6 an opportunity for you to let the board know what you
7 think about the proposed project.

8 As Mr. Borchert said, there are project
9 representatives if you need to speak with them. And
10 of course our staff is available for questions.

11 Tonight's public hearing is only one
12 aspect of the process in this case. An evidentiary
13 hearing is scheduled to commence on March 19, 2024, at
14 the board's offices in Columbus. The purpose of that
15 evidentiary hearing is for the parties and the board
16 staff to provide testimony and other evidence
17 regarding the project.

18 For those of you here tonight who are
19 parties to the case, the evidentiary hearing will be
20 your opportunity to be heard. However, with that
21 being said, if you are a party to the case and would
22 like to testify tonight, you may do so. We ask that
23 if you are a party to the case, you keep your comments
24 very brief and hold any comments for the end so other
25 folks can testify tonight.

1 Tonight's hearing is being transcribed
2 by a court recorder. If you plan to testify, please
3 speak clearly so that the court recorder can
4 accurately reflect your comments on the record. Also
5 if you have a written statement, it would be helpful
6 to provide a copy to that recorder after you've
7 presented that so he can get your remarks fully and
8 accurately.

9 After I finish with these introductory
10 remarks, we will begin by inviting individuals on the
11 sign-in sheet to speak about the proposed project.
12 Each person who signed up to testify will be permitted
13 to speak only once about the proposed project.

14 Before you present your testimony, I
15 will ask you to come up to the stand here, ask you to
16 take an oath or affirmation that what you will say
17 will be the truth. I will also ask you to state your
18 name and spell it for the record, please, along with
19 your address. And I will also ask you if you are
20 within the project area.

21 Counsel for the parties will be
22 permitted to ask questions, and for expediency I will
23 assume you will not have questions. But flag me down,
24 Mr. Borchers, if you do.

25 The testimony you provide tonight will

1 be considered part of the official record in this
2 case, and it will be reviewed by the board before
3 tendering a final decision on the application.

4 A few last remarks. If you decide that
5 you do not want to testify when I read your name here,
6 you can pass to the next person. And if you decide to
7 file any written comments in the case docket, our
8 board staff can absolutely help you with doing so and
9 answer questions that may arise from that.

10 Once you finish testifying, you are
11 free to stay to the conclusion of the hearing, or you
12 may leave. If your name is called and you are a party
13 to the case, just indicate that to me and we'll wait
14 for you at the end.

15 The board appreciates your
16 participation in tonight's hearing, and we want
17 everyone who has signed up to testify. For that
18 reason, let's try to keep it brief, under five minutes
19 if possible.

20 So now at this time we will begin with
21 testimony. I have a Rip Siesel. Mr. Siesel?

22 Correct me, sir.

23 MR. SIESEL: It's Kipton.

24 MS. MARCELLETTI: Oh, Kip. Forgive me.
25 Thank you. Mr. Siesel, if you'd raise your right

1 hand.

2 Do you swear or affirm that the
3 testimony you will provide will be the truth?

4 MR. SIESEL: I do.

5 MS. MARCELLETTI: Thank you. Can you
6 please state and spell your name for the record?

7 MR. SIESEL: So it's Kipton Siesel,
8 K-I-P-T-O-N S-I-E-S-E-L.

9 MS. MARCELLETTI: And your address
10 including the township if you know it, sir.

11 MR. SIESEL: It is 2412 South Reynolds
12 Road. It's Toledo, Ohio. I'm not familiar with the
13 township, but -- and I do not reside in the project
14 area.

15 MS. MARCELLETTI: Okay, thank you. You
16 may proceed.

17 MR. SIESEL: Sure. So on behalf of the
18 Operating Engineers, Local Union Number 18, I'm here
19 to support the approval of the Scioto Ridge Solar
20 project.

21 The Operating Engineers are the
22 individuals who operate heavy equipment such as
23 bulldozers, excavators, backhoes, forklifts, and so
24 on. The roads and bridges you drive on were most
25 likely built by members of Local 18, along with our

1 fellow union tradesmen and women.

2 Although we do not have an agreement
3 signed with RWE Renewables to perform the work
4 associated with the project, we believe our local
5 signatory contractors will secure this work. Thus
6 providing our membership with numerous employment
7 opportunities. In turn, high-paying wages, healthcare
8 benefits, and apprenticeship programs can continue to
9 grow because of the solar industry.

10 If approved, the Scioto Ridge Solar
11 project will not only create jobs, but you can expect
12 an economic impact, additional tax money, and clean
13 energy for Ohio as a result from the project.

14 We encourage the Ohio Power Siting
15 Board to support the jobs of the men and women of
16 Local 18 by approving the Scioto Ridge Solar project.
17 That's all I got.

18 MS. MARCELLETTI: Okay, thank you. Any
19 questions, Mr. Borchner?

20 MR. BORCHER: Negative, Your Honor.

21 MS. MARCELLETTI: Thank you,
22 Mr. Siesel.

23 I have Mr. Nick Bundren next on deck.
24 Good evening, sir.

25 MR. BUNDREN: Good evening.

1 MS. MARCELLETTI: Please raise your
2 right hand.

3 Do you swear or affirm that the
4 testimony you will provide will be the truth?

5 MR. BUNDREN: Yes, ma'am.

6 MS. MARCELLETTI: Great. Your name and
7 address for the record, please.

8 MR. BUNDREN: Nick Bundren, N-I-C-K
9 B-U-N-D-R-E-N. I do not reside in the project area.
10 I live at 3754 Sunrise Lake Circle in Columbus, Ohio,
11 43219.

12 MS. MARCELLETTI: Go ahead, sir.

13 MR. BUNDREN: All right. Good evening,
14 ladies and gentlemen. My name is Nick Bundren, and
15 I'm speaking in support of this project on behalf of
16 the Ohio Land and Liberty Coalition. We are a
17 conservative non-profit that supports property rights
18 and renewable energy developments across the state of
19 Ohio, including here in Hardin County.

20 As Ohio grows in population, our grid
21 is in dire need of more electrical generation. As
22 discussed in the recent PJM hearings with Ohio and
23 Pennsylvania legislators, our grid's capacity is
24 decreasing while the demand for electricity is only
25 increasing.

1 I diverse grid with numerous sources of
2 electrical generation helps to provide stability and
3 reliability for our electrical infrastructure. And
4 this project would do just that. Furthermore, the
5 economic benefits of utility-scale solar far outweigh
6 the potential downsides. When you look at the job
7 creation and the tax revenue from a project of this
8 scale, it becomes clear that renewable energy is not
9 only the way of the future, but it is the way of the
10 present.

11 This project is like many other
12 renewable energy projects; it's good for the entire
13 community. Kids are always going to need textbooks,
14 schools will always need funding, and this project
15 will provide funding for this community for decades to
16 come. Ohio needs a more diverse and reliable grid.
17 This project not only helps to increase grid
18 reliability and stability, but it also benefits
19 everyone involved.

20 I hope it is the will of the Ohio Power
21 Siting Board to approve of this project. Thank you.

22 MS. MARCELLETTI: Thank you,
23 Mr. Bundren. Any questions?

24 MR. BORCHERS: No questions.

25 MS. MARCELLETTI: Thank you.

1 Mr. Bundren, did you have a copy of
2 your written statement, or?

3 MR. BUNDREN: It's digital, but I can
4 send one.

5 MS. MARCELLETTI: I think we're good.

6 Do I have a Mr. Tony Zartman?

7 Good evening, sir.

8 MR. ZARTMAN: Good evening.

9 MS. MARCELLETTI: If you will raise
10 your right hand for me.

11 Do you swear or affirm that the
12 testimony you will provide will be the truth?

13 MR. ZARTMAN: I do.

14 MS. MARCELLETTI: Great. Thank you.
15 If you could please spell, state your name and address
16 for the record, please.

17 MR. ZARTMAN: My name is Tony Zartman,
18 T-O-N-Y Z-A-R-T-M-A-N. I live in Paulding County,
19 Ohio, Payne. Address is 4376 Road 33.

20 MS. MARCELLETTI: Do you live or
21 reside -- excuse me. Do you live or --

22 MR. ZARTMAN: I do not live in --
23 within the -- in the project area.

24 Thank you for allowing me to speak
25 today. My name is Tony Zartman. I'm the program

1 manager for the Ohio Land and Liberty Coalition.
2 During an earlier time in my life I served for 12
3 years as a Paulding County Commissioner. During that
4 time we were able to develop five wind farms with 257
5 turbines, and one 49-megawatt solar farm.

6 I'm here today to ask you to protect
7 the constitutional rights of the individuals who would
8 like to lease their property to the renewable
9 development company.

10 We have all been granted the right to
11 own property and to be steward of that property. As a
12 steward we are able to decide how and when a parcel
13 will be utilized for the benefit of our families.
14 These rights are guaranteed by the 14th amendment of
15 the United States Constitution.

16 Today, though, I'd also like to share
17 with you some of the economic benefits that we saw in
18 Paulding County after development. We were able to
19 start development in 2010. As I said, we currently
20 have 257 turbines and a 50-watt -- megawatt --
21 50-megawatt solar farm generating power in the county.

22 The lease payments go to owners --
23 property owners are substantial. The revenue that is
24 being pumped into the community is in the millions
25 every year. These payments have allowed the owners to

1 invest in their farms with new drainage style and an
2 increased fertility base because they can finally
3 afford to do so.

4 This investment is resulting in higher
5 yields, which means higher returns. For some, it is
6 allowing them to guarantee that they will be able to
7 pass the property onto the next generation of farmers
8 in the family, where previously they were facing
9 mounting debt that would have forced them to sell.
10 Being able to pass on the family farm and help the
11 next generation is a goal of nearly every farmer
12 that's here today.

13 Let me share with you how our
14 developments were an economic benefit to the effect of
15 taxing districts. Because we were able to offer a
16 PILOT payment option, the resulting payments have been
17 a game-changer.

18 You see, before development, our county
19 was in financial distress. We were experiencing
20 budget shortfalls across the board. This resulted in
21 reduced services and the closing of our county jail.
22 Overall, the quality of life in Paulding County was
23 spiraling down.

24 But with the development and the
25 increase in revenue to the community through lease

1 payments for owners, and the new PILOT payments for
2 the affected taxing district, we now have expanded
3 services from our county government that were never
4 possible before. Our county offices are now open five
5 days a week. Before development, we were down to
6 three days a week.

7 We now have a Sheriff's deputies on
8 patrol helping to keep our community safe. We've gone
9 from one road deputy at night covering the entire
10 county to multiple now. We've reopened the county
11 jail resulting in dozens of new jobs. We're now able
12 to offer a D.A.R.E. Officer program for our schools
13 for the protection and education of our youth. We
14 have seen an -- we have seen an expanded services list
15 from our local health department, which means our
16 community as a whole is healthier.

17 The affected townships and the
18 development footprint have now -- now have new and
19 improved roads that they didn't have before. We're
20 now able to replace the worn-out equipment that they
21 use on a daily basis to maintain the township roads,
22 cemeteries, and waterways.

23 We now have a new parks district, and
24 they have been able to build new parks in the affected
25 areas and replace worn-out program equipment in

1 others.

2 But our school districts are the
3 biggest winner. The majority of the PILOT payment
4 goes directly to the schools and is seen as new
5 revenue not affected by state formula funding. Our
6 schools have been able to reduce the student-teacher
7 ratio by hiring additional teachers. They're now
8 offering advanced college course credit programs, and
9 they've been able to improve their athletic facilities
10 for all the after-school activities.

11 I could go on and on with the benefits
12 that we've seen with the development of renewable
13 energy. But the main takeaway of all of this is this.
14 And that is that we have been able to improve the
15 quality of life for everyone living in Paulding
16 County. I ask that you please consider this
17 development. Thank you.

18 MS. MARCELLETTI: Thank you, sir. Any
19 questions from Counsel?

20 MR. BORCHERS: No, Your Honor.

21 MS. MARCELLETTI: Thank you.

22 I have a Mark Fullenkamp.

23 Good evening, sir. Please raise your
24 right hand.

25 Do you swear or affirm that the

1 testimony you will provide will be the truth?

2 MR. FULLENKAMP: Yes.

3 MS. MARCELLETTI: Thank you. If you
4 could please give us your name and address, and
5 township if you know it, please.

6 MR. FULLENKAMP: Mark, M-A-R-K,
7 Fullenkamp, F-U-L-L-E-N-K-A-M-P. Minster, Ohio. I
8 believe my property is on McDonald Township.

9 MS. MARCELLETTI: Okay. Thank you.

10 MR. FULLENKAMP: I believe it's
11 important that the United States becomes
12 energy-independent with clean, renewable energy, and
13 this project allows that to happen. Thank you.

14 MS. MARCELLETTI: Is there anything
15 else, sir?

16 MR. FULLENKAMP: Yeah, that's it.

17 MS. MARCELLETTI: Okay. Great, thank
18 you.

19 And I have a Holli Underwood.

20 Good evening. Please raise your right
21 hand.

22 Do you swear or affirm that the
23 testimony you will provide will be the truth?

24 MS. UNDERWOOD: Yes.

25 MS. MARCELLETTI: Thank you. If you

1 could please spell and state your name and also your
2 address, please.

3 MS. UNDERWOOD: Okay. My name is Holli
4 Underwood, H-O-L-L-I U-N-D-E-R-W-O-O-D. That's the
5 first test, right? I do not live within the project
6 area. My address is -- do you need the address of --

7 MS. MARCELLETTI: Yes, please, if you
8 would.

9 MS. UNDERWOOD: Okay. 18197 County
10 Road 155, Ridgeway, Ohio.

11 I'm here to speak -- Well, my name is
12 Holli Underwood and I'm the director of economic
13 development for Hardin County. In that role I'm here
14 to speak in favor of this project because of the
15 positive economic impact that it will have for the
16 Hardin County community.

17 The project is projected to create
18 approximately 200 full-time construction jobs for
19 approximately 12 to 18 months that will boost our
20 local economy for the gas, food, hotels, and other
21 expenses that the workers have while they are here.

22 In addition to that, I want to focus on
23 the school portion of the PILOT payments, which are
24 estimated to create an additional \$1.2 million in
25 funding for our joint vocational school or our career

1 technical center, 11-and-a-half million dollars for
2 our Kenton City Schools, \$4.3 million for Ben Logan
3 School District, for a total of \$17 million for our
4 local schools. And that is huge for those school
5 districts. Thank you.

6 MS. MARCELLETTI: Do you have a copy of
7 your statement?

8 MS. UNDERWOOD: Sorry, no. It's just
9 scribbles.

10 MS. MARCELLETTI: No worries. Thank
11 you.

12 Well, folks, that concludes witnesses
13 who signed up to testify. Is there anyone else
14 present this evening who would like to make any
15 comments? Going once, going twice. All right.
16 Seeing none, thank you for everyone for their
17 participation this evening.

18 We would also like to thank the
19 historic Hardin County Courthouse for allowing us to
20 use their facilities in order to conduct this public
21 hearing. Thank you to our ad hoc members for
22 attending this evening.

23 The hearing is now concluded, and the
24 hearing transcript will be submitted on the record for
25 the board's consideration in this case. Thank you all

1 again and have a wonderful evening. We are adjourned.

2 (Whereupon, the meeting concluded at

3 5:21 p.m.)

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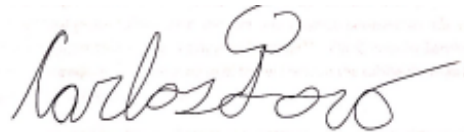
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CERTIFICATE

I, CARLOS TORO TORRES, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



CARLOS TORO TORRES
Notary Public in and for the
State of Ohio

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CERTIFICATE OF TRANSCRIBER

I, STEPHANIE SCHUMACHER, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



STEPHANIE SCHUMACHER

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in

Case No(s). 23-0146-EL-BGN

Summary: Transcript for Hearing held February 13, 2024, at 5:00 p.m. at the Hardin County Courthouse, Veteran's Hall, 1 Courthouse Square, #100, Kenton, Ohio 43326 before Attorney Law Judge, Isabel Marcelletti electronically filed by Ms. Donielle M. Hunter on behalf of Carlos Toro Torres, Veritext Legal Solutions.