

OHIO POWER SITING BOARD

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In the Matter of Scioto :  
Ridge Solar LLC, for a :  
Certificate of Environmental:Case No.  
Compatibility and Public :23-146-EL-BGN  
Need for the Construction :  
of the Scioto Ridge :  
Solar Project. :

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PROCEEDINGS

Before Isabella M. Marcelletti and Manette Asta,  
Administrative Law Judges, held at the Public  
Utilities Commission of Ohio, 180 East Broad  
Street, Hearing Room 11-A, Columbus, Ohio, on  
Tuesday, March 19, 2024 at 10:00 A.M.

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

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1 APPEARANCES:

2 Bricker Graydon LLP  
3 By Mr. Dylan F. Borchers  
and  
4 Ms. Kara H. Herrstein  
100 South Third Street  
5 Columbus, Ohio 43215

6 On behalf of Scioto Ridge  
Solar LLC.

7  
8 Mr. Connor Semple  
and  
9 Ms. Ambrosia Wilson  
Assistant Attorneys General  
10 30 East Broad Street, 26th Floor  
Columbus, Ohio 43215

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

13 Ms. Leah M. Hetrick  
14 and  
Ms. Leah F. Curtis  
15 280 North High Street,  
Columbus, Ohio 43215

16 On behalf of the Ohio Farm  
17 Bureau Federation.

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Tuesday Morning,  
March 19, 2024.

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ALJ ASTA: Good morning, everyone.  
The Power Siting Board has set for hearing at  
this time and place Case No. 23-146-EL-BGN In  
the Matter of the Application of Scioto Ridge  
Solar, LLC for a Certificate of Environmental  
Compatibility and Public Need.

My name is Manette Asta and with me  
is Izzy Marcelletti, together we are the Board's  
Administrative Law Judges assigned to hear this  
case today. We will start with the appearances  
of the parties beginning with the Applicant.

MR. BORCHERS: Thank you, your  
Honor. On behalf of the Applicant Dylan  
Borchers and Karen Herrnstein with the law firm  
of Bricker Graydon, 100 South Third Street,  
Columbus, Ohio 43215.

ALJ ASTA: Thank you. And OFBF.

MS. HETRICK: Good morning, your  
Honors. Leah Hetrick and Leah Curtis on behalf  
of the Ohio Farm Bureau Federation, 280 North  
High Street, Columbus, Ohio 43215.

ALJ ASTA: Thank you. And then

1 counsel on behalf of Staff.

2 MR. SEMPLE: Good morning, your  
3 Honors. On behalf of the Ohio Power Siting  
4 Board Staff Connor Semple, and also entering an  
5 appearance Ambrosia Wilson of the office of the  
6 Ohio Attorney General, Dave Yost. Our office is  
7 at 30 East Broad Street, Columbus, Ohio 43215.

8 ALJ ASTA: Thank you. And the  
9 interveners?

10 MR. STRIKER: I am Hardin County  
11 Commissioner, Timothy Lee Striker, and this is  
12 Trustee Mr. Olgleabee.

13 ALJ ASTA: Okay. Before I have  
14 the company begin its case are there any  
15 preliminary matters that you would like to be  
16 discussed before we mark exhibits?

17 MR. BORCHERS: Not for us, your  
18 Honor.

19 ALJ ASTA: Scioto Ridge, go ahead.

20 MR. BORCHERS: Thank you, your  
21 Honor. We will call two witnesses, but in  
22 advance I will mark the exhibits. All of these  
23 exhibits are already on the docket, and the  
24 exhibit number corresponds with the exhibits  
25 listed in the filed Joint Stipulation.

1                    Applicant Exhibit 1 is the  
2 Application filed on August 15, 2023 with an  
3 Erratum filed September 19th, 2023.

4                    This exhibit also includes the Draft  
5 Unanticipated Discovery Plan filed December 4,  
6 2023; the Preliminary Design for the Battery  
7 Energy Storage System filed December 5th, 2023;  
8 and the Updated Preliminary Site Plan filed  
9 January 5th, 2024, collectively the Application,  
10 Applicant Exhibit 1.

11                   Applicant Exhibit 2 are the  
12 responses and supplemental responses to the  
13 Staff's data requests filed to the docket  
14 between September 2023 and January 2024.

15                   Applicant Exhibit 3 is the Proof of  
16 Service of the Application on local public  
17 officials and libraries as filed on November  
18 7th, 2023.

19                   Applicant Exhibit 4 is the copy of  
20 the letter sent to property owners and tenants  
21 within the plan site or contiguous to the plan  
22 site on February 23rd, 2023 announcing that the  
23 first public informational meeting would be held  
24 on March 16, 2023 and filed to the docket on  
25 March 6th, 2023.

1           Applicant Exhibit 5 is the Proof of  
2           Publication filed to the docket on March 7,  
3           2023, and this is a publication for the first  
4           public information meeting in accordance with  
5           Ohio Administrative Code 4906-3-03 (B) published  
6           on February 27th, 2023 in The Kenton Times.

7           Applicant Exhibit 6 is the copy of  
8           the letter sent to property owners and tenants  
9           within the plan site or contiguous to the plan  
10          site on April 27th, 2023 and announcing that the  
11          second public information meeting would be held  
12          on May 25th, 2023.

13          Applicant Exhibit 7 is the Proof of  
14          Publication filed to the docket on June 1st,  
15          2023, and this is the publication for the  
16          second public information meeting published on  
17          May 4th, 2023 in The Kenton Times.

18          Applicant Exhibit 8 are the Proofs  
19          of Publication in accordance with the  
20          Administrative Law Judge entry on November 21st,  
21          2023 for the first publication of the  
22          description of the Application hearing dates  
23          published in The Kenton Times on November 30th,  
24          2023, and filed on December 13th, 2023.

25                 And the second publication of the



1 description of the application and hearing dates  
2 published in The Kenton Times on January 25th,  
3 2024 and filed on February 21st, 2024.

4 Applicant Exhibit 9 is the direct  
5 testimony of J. Kevin Cole in support of the  
6 Application filed March 1st, 2024.

7 Applicant Exhibit 10 is the direct  
8 testimony of Kim Catano in support of the  
9 Application filed March 1st, 2024.

10 I do have a note for the record that  
11 in the Stipulation on page 15 Ms. Catano's name  
12 is spelled as C-A-N-T-A-N-O. It should be  
13 C-A-T-A-N-O.

14 Applicant Exhibit 11 is the  
15 supplemental testimony of J. Kevin Cole in  
16 support of the Joint Stipulation and  
17 Recommendation filed March 12th, 2024.

18 And finely Joint Exhibit 1 is the  
19 Joint Stipulation and Recommendation entered  
20 into by the Applicant, the Ohio Farm Bureau  
21 Federation and Staff of the Ohio Power Siting  
22 Board.

23 ALJ ASTA: All the exhibits are so  
24 marked.

25 (EXHIBITS MARKED FOR IDENTIFICATION)

1 MR. BORCHERS: Thank you, your  
2 Honor. At this time the Applicant would call  
3 its first witness.

4 ALJ ASTA: Please do so.

5 MR. BORCHERS: Kevin Cole.

6 (WITNESS SWORN)

7 - - -

8 J. KEVIN COLE  
9 called as a witness, being first duly sworn,  
10 testified as follows:

11 ALJ ASTA: You may proceed.

12 DIRECT EXAMINATION

13 By Mr. Borchers:

14 Q. Good morning, Mr. Cole. Can you  
15 state your name and spelling, your company name  
16 and your title at your company for the record?

17 A. My name is Kevin Cole. It's  
18 K-E-V-I-N C-O-L-E. My title is Utility-scale  
19 Energy Development Manager, and I work for RWE.

20 Q. And do you have before you what has  
21 been marked Applicant Exhibit 9 and Applicant  
22 Exhibit 11?

23 A. I do.

24 Q. And is Applicant Exhibit 9 your  
25 prefiled direct testimony that was filed on

1 March 1st, 2024?

2 A. It is.

3 Q. And was this testimony prepared by  
4 you or at your direction?

5 A. Yes, it was.

6 Q. And is Applicant Exhibit 11 your  
7 prefiled supplemental testimony that was filed  
8 on March 12th, 2024?

9 A. It is.

10 Q. And was this testimony prepared by  
11 you or at your direction?

12 A. It was.

13 Q. If I were to ask you the same  
14 questions that are currently in Applicant  
15 Exhibits 9 and 11 would your answers be the  
16 same?

17 A. Yes, they would.

18 Q. Mr. Cole, do you also have before  
19 you what has been marked as Joint Exhibit 1?

20 A. I do.

21 Q. Is that the Joint Stipulation and  
22 Recommendation that was entered into between  
23 the Applicant, the Ohio Power Siting Board Staff  
24 and the Ohio Farm Bureau Federation?

25 A. Yes.

1 MR. BORCHERS: Your Honor, I have  
2 no further questions, and the witness is  
3 available for cross-examination.

4 ALJ MARCELLETTI: Before we move to  
5 cross let's go off the record for a second.

6 (DISCUSSION OFF THE RECORD)

7 ALJ ASTA: Staff, you may proceed  
8 with cross.

9 MR. SEMPLE: No cross, your Honors.

10 ALJ ASTA: OFBF.

11 MS. HETRICK: No questions, your  
12 Honor.

13 ALJ ASTA: I have no questions. ALJ  
14 Marcelletti, do you?

15 ALJ MARCELLETTI: I have no  
16 questions for you, sir.

17 ALJ ASTA: You may step down.

18 THE WITNESS: Thank you, Your Honor.

19 ALJ ASTA: You may call your next  
20 witness.

21 MR. BORCHERS: Thank you, Your  
22 Honor. The Applicant calls Ms. Kim Catano.

23 (WITNESS SWORN)

24 ALJ ASTA: You may proceed.

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KIM CATANO

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

DIRECT EXAMINATION

By Mr. Borchers:

Q. Good morning, Ms. Catano. Can you state your name, spelling and the company you work for and your title for the record?

A. Yes. My name is Kim Catano. K-I-M C-A-T-A-N-O. I am Senior Associate and Project Manager at Santec Consulting Services.

Q. And do you have before you what is marked Applicant Exhibit 10?

A. I do.

Q. And is Applicant Exhibit 10 your prefiled direct testimony that was filed on March 1st, 2024?

A. Yes, it is.

Q. And was this testimony prepared by you or at your direction?

A. Yes.

Q. If I were to ask you the same questions that are currently in Applicant Exhibit 10 would your answers be the same?

A. Yes.

1 MR. BORCHERS: Your Honor, I have no  
 2 further questions. And pending  
 3 cross-examination would move to enter Applicant  
 4 Exhibits 1 through 11 and Joint Exhibit 1 into  
 5 the record.

6 ALJ ASTA: Staff, any cross?

7 MR. SEMPLE: No cross.

8 ALJ ASTA: OFBF?

9 MS. HETRICK: No questions, your  
 10 Honor.

11 ALJ ASTA: I have no questions.  
 12 ALJ Marcelletti?

13 ALJ MARCELLETTI: I do not.

14 ALJ ASTA: And barring any  
 15 objections the exhibits are so moved.

16 (EXHIBITS HEREBY ADMITTED INTO  
 17 EVIDENCE)

18 ALJ ASTA: You may step down. All  
 19 right.

20 Staff, you may go ahead with your  
 21 presentation of witnesses.

22 MR. SEMPLE: Sure. Your Honors,  
 23 before I call our first and only witness I would  
 24 like to mark for identification Staff's  
 25 exhibits.



1 ROBERT HOLDERBAUM

2 called as a witness, being first duly sworn,  
3 testified as follows:

4 DIRECT EXAMINATION

5 By Mr. Semple:

6 Q. Good morning. Could you please  
7 state your name and title for the record?

8 A. Sure. Robert Holderbaum. And I am  
9 a Utility Specialist with the Ohio Power Siting  
10 Board.

11 Q. Can you please state for the record  
12 what documents you brought with you today?

13 A. Yes. I have the Staff Report of  
14 Investigation, and then my prefiled testimony  
15 and my supplemental testimony.

16 Q. And were these document prepared by  
17 you or under your supervision?

18 A. Yes, they were.

19 Q. Do you have any changes that you  
20 would like to make to these documents?

21 A. I do not.

22 Q. If you were asked the questions in  
23 your testimony today would your answers be the  
24 same?

25 A. They would, yes.



1 MR. SEMPLE: Your Honors, at this  
 2 time I would like to make available Mr.  
 3 Holderbaum for cross-examination.

4 ALJ ASTA: Scioto Ridge, any cross?

5 MR. BORCHERS: No, your Honor.

6 ALJ ASTA: OFBF.

7 MS. HETRICK: No questions, your  
 8 Honor.

9 ALJ ASTA: I have no questions.  
 10 ALJ Marcelletti?

11 ALJ MARCELLETTI: I have no  
 12 questions.

13 ALJ ASTA: All right. Is there  
 14 anything else we need to address?

15 MR. SEMPLE: Your Honors, at this  
 16 time we would move for the admission of Staff  
 17 Exhibits 1 through 3 into evidence.

18 ALJ ASTA: Any objections?

19 MR. BORCHERS: No objection.

20 MS. HETRICK: No objection.

21 ALJ ASTA: They are so admitted.

22 (EXHIBITS HEREBY ADMITTED INTO  
 23 EVIDENCE)

24 ALJ ASTA: Now, is there anything  
 25 we need to address before adjourning today?

1                   MR. BORCHERS: Not from the  
2 Applicant, your Honor.

3                   MR. SEMPLE: Nothing from Staff.

4                   ALJ ASTA: All right. Well, with  
5 that said, I thank you on behalf of the Ohio  
6 Power Siting Board. We are adjourned.

7                   (AT 10:15 A.M. the hearing was  
8 adjourned)

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CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on March 19, 2024, and carefully compared with my original stenographic notes.

\_\_\_\_\_  
Michael O. Spencer,  
Registered Professional  
Reporter.

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

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

Summary: Transcript March 19th 2024 In the Matter of Scioto Ridge Solar LLC, for a Certificate of Environmental Compatibility and Public Need for the Construction of the Scioto Ridge Solar Project. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Spencer, Michael O. Mr..