



3/23/2021

RE: Ohio Senate Bill 52

Ohio Senate Energy and Public Utilities Committee:

Chairman Peterson, Vice Chair Schuring, Ranking Member Williams and members of the Committee,

We are writing to express grave concern over the negative impacts of HB118 & SB52 to the Ohio economy and the advancement of cleaner, carbon-free, electricity in the state. We have all heard many opinions about the potential negative impacts of solar energy over the past few weeks, and we feel it is important to provide a direct and fact-based response. The Ohio Power Siting Board process for reviewing proposed energy projects is robust, effective, transparent, and fair. Implementing a local veto at the back end of that established regulatory process, would have significant negative economic impacts and usurps the rights of local landowners who choose to be partners in these projects.

Vesper Energy Development LLC is the sponsor behind the Nestlewood and Kingwood Solar projects. To date we have spent millions of dollars paying Ohio companies and local residents in a wide range of professions from surveyors and engineers to lawyers and other consultants, to advance projects to the level of maturity needed to engage in the OPSB process. These investments are made at-risk because there is a state-level regulatory body, with an objective process that provides applicants with the opportunity to propose a project that complies with laws and regulations that are clear and consistent. Those speculative investments will not occur if that clear and consistent process is altered to include a subjective veto as a final step. Furthermore the hundreds of millions of dollars that are spent to implement those projects, after working through a rigorous permitting process, will surely be reevaluated and spent outside of Ohio as a result.

Before I continue on process, I would like to provide a brief snapshot of what a project will mean for a local community. Our Kingwood Solar farm will provide \$1.5 million annually to local schools and governments—which is \$45 million over the life of the project. The project will create upwards of 300 construction jobs and five permanent jobs—and at least 80% of those jobs will be from the Ohio workforce. Additionally, the project will use fewer pesticides, herbicides and fertilizers than the current use. Kingwood Solar will plant native, pollinator friendly plant species that will have a positive impact on local harvest yields. Temporary removal of the project lands from agricultural production will allow for improved soil health throughout the life of the solar project.

Proponents of the above referenced legislation argue that the OPSB is a “rubber stamp” process. From direct experience with the OPSB and the Nestlewood Solar Project, we can tell you that is not the case. Nestlewood was not approved based on the application as submitted. Many questions were asked, additional materials were provided and additional testimony was submitted. The project was ultimately approved with stipulations because the issues that were raised were considered and thoughtfully addressed in a professional and balanced process to ensure that the proposed project was a safe and compatible use in the local community.

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OPSB applications are not considered in a vacuum. The OPSB process provides multiple avenues and venues for public information and input. The OPSB website, (<https://opsb.ohio.gov/wps/portal/gov/opsb/about-us/resources/public-participation>) provides detailed steps for public participation. At a minimum, these include:

1. Initial public information meeting: Prior to filing an OPSB application, the project developer is required to conduct a public information meeting. The purpose of this meeting is for the applicant to inform project neighbors and other stakeholders about the plans to file an OPSB application. The meeting is an opportunity to gather feedback from the local public. Also OPSB representatives participate to answer questions about the siting process and hear public concerns and support of the project.
2. Informal comments: Interested persons can also submit informal written comments to the OPSB as public comments in case record.
3. Local public hearing testimony: Once the OPSB application is submitted and following formal review by other state agencies, OPSB staff compile and make its formal recommendation regarding the application. A formal public hearing is then held by OPSB. At this hearing, members of the public may make sworn testimony. Written statements may also be submitted as part of the case record.
4. Formal case intervention: Formal intervention grants Parties (individuals, organizations and local governments) the right to participate as a party of record in the case proceedings.

Public participation is encouraged every step of the way.

Under Ohio law and every five years, the OPSB conducts a review of its administrative rules and facilitates a series of stakeholder meetings. The purpose of this participatory process is: 1) to improve public participation, 2) improve technical application requirements, and 3) enhance construction monitoring and compliance efforts. If there is a problem with the OPSB procedures then the OPSB/PUCO already has routine evaluation, stakeholder-inclusive and the rule-making procedures to change it. Providing a local veto for utility-scale solar projects, concentrated animal feeding facilities or any other developments regulated by the Ohio Power Siting Board, the Ohio Department of Agriculture or any other State board is a bad idea that will harm the Ohio economy and completely undermine the authority of these agencies to regulate their industries in a fair and balanced way, uniformly across the state, as has been effectively done for decades.

Numerous proponents of this legislation recently offered testimony suggesting that the OPSB process is too quick, too expensive and that they have no say. Kingwood Solar has been working on its project in Greene County for more than two years. Two years later Kingwood Solar has still not submitted an application to the OPSB. However, we have spoken directly with members of a local opposition group, as well as surrounding landowners, and community leaders on numerous occasions and conducted multiple public meetings outside of the OPSB process.

House Bill 118 and Senate Bill 52 are bad for the Ohio economy, landowners' rights, the advancement of a lower carbon future, and therefore, bad for the vast majority of Ohio residents and landowners. If there are concerns about the OPSB process then address them at the OPSB. Please don't set the



dangerous precedent that local governments can veto decisions thoughtfully considered and systematically implemented by state officials in the best interests of all Ohioans collectively.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "D. Stickney".

Dylan Stickney

Development Manager
Kingwood Solar I LLC
Vesper Energy Development, LLC