

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

**IN THE MATTER OF THE PETITION BY)
GREENSBORO SOLAR CENTER, LLC)
FOR CERTAIN DETERMINATIONS BY)
THE COMMISSION WITH RESPECT TO)
ITS JURISDICTION OVER PETITIONER'S)
ACTIVITIES AS A GENERATOR OF)
ELECTRIC POWER)**

CAUSE NO. 45425

INDIANA OFFICE OF UTILITY CONSUMER COUNSELOR

TESTIMONY OF

LAUREN M. AGUILAR - PUBLIC'S EXHIBIT NO. 1

DECEMBER 10, 2020

Respectfully submitted,



T. Jason Haas
Attorney No. 34983-29
Deputy Consumer Counselor

**DIRECT TESTIMONY OF LAUREN M. AGUILAR
CAUSE NO. 45425
GREENSBORO SOLAR CENTER, LLC**

I. INTRODUCTION

1 **Q: Please state your name, business address, and employment capacity.**

2 A: My name is Lauren M. Aguilar, and my business address is 115 W. Washington
3 St., Suite 1500 South, Indianapolis, IN, 46204. I am employed as a Utility Analyst
4 in the Electric Division for the Indiana Office of Utility Consumer Counselor
5 ("OUCC"). A summary of my qualifications can be found in Appendix A.

6 **Q: What is the purpose of your testimony in this proceeding?**

7 A: The purpose of my testimony is to explain why the OUCC cannot recommend the
8 Greensboro Solar Center, LLC's ("Greensboro" or "Petitioner") request until
9 further progress is made in developing the Greensboro Solar Energy Center, a solar
10 plus storage energy facility ("Project"). My analysis of Greensboro's evidence
11 indicates the Project is not mature enough to establish the public interest will be
12 served by Indiana Utility Regulatory Commission ("IURC" or "Commission")
13 declining to exercise jurisdiction.

14 **Q: What have you done to evaluate issues presented in this Cause?**

15 A: I read and reviewed all materials presented in this docket, including the Petition
16 initiating this proceeding and Petitioner's pre-filed verified direct testimony and
17 exhibits. I requested and attended a virtual meeting with Greensboro on
18 Wednesday, October 14, 2020. I reviewed Commission orders in a number of

1 similar renewable energy proceedings.¹ I also read applicable state and federal laws
2 and regulations, including relevant agency guidance information for potential
3 impacts to endangered species, land use, and human health and the environment,²

4 **Q: Briefly summarize Greensboro's request in this proceeding?**

5 A: Greensboro requests the Commission enter an order declining to exercise its
6 jurisdiction, pursuant to IC § 8-1-2.5-5, over Petitioner's construction, ownership
7 operation of, and any other activity in connection with the Project and to determine
8 the public interest is served by such declination.

¹ See e.g. *Meadow Lake Wind Farm VI, LLC*, IURC Cause No. 45010, February 28, 2018; *Head Waters Wind Farm, LLC*, IURC Cause No. 44358, September 19, 2013; *Lone Oak Solar Energy, LLC*, IURC Cause No. 45255, October 29, 2019; *Fairbanks Solar Energy Center, LLC*, IURC Cause No. 45254, October 29, 2019; *Speedway Solar, LLC*, IURC Cause No. 45230, September 18, 2019; *West Fork Wind, LLC*, IURC Cause No. 45047, filed with the Commission February 8, 2018, and dismissed by Docket Entry issued May 8, 2020; and *Riverstart Solar Park, LLC*, IURC Cause No. 45336, June 3, 2020.

² The federal Endangered Species Act of 1973 ("ESA") provides for the conservation of species if they are endangered or threatened throughout all or a significant portion of their range, and the conservation of the ecosystems on which they depend. USFWS' list of Federal endangered species for Randolph County, Indiana attached as LMA-1 and also available at <https://www.fws.gov/midwest/endangered/lists/pdf/IndianaSppList07March2019.pdf>. IDNR's list of state endangered species for Randolph County, Indiana attached as LMA-2 and also available at https://www.in.gov/dnr/naturepreserve/files/np_henry.pdf. Clean Water Act – focusing on the National pollutant Discharge elimination system "NPDES" 33 U.S.C 1342, enforced by IDEM under 327 IAC 15-5 explained at <http://www.in.gov/idem/stormwater/2331.htm>; IC 13-18-22 concerning isolated wetlands and IDEM's compliance and enforcement explained at <http://www.in.gov/idem/wetlands/2343.htm>; IC 14-28-3 concerning floodplain and floor way management, enforced by IDNR explained at: <http://www.in.gov/dnr/water/2455.htm>.

Cultural and Historic Preservation – Federal regulation explained here <http://www.achp.gov/index.html> including Section 106 of the Federal National Historic Preservation Act and Indiana regulation explained here <http://www.in.gov/dnr/historic/> including IC 14-22 Natural and Cultural Resources.

II. PUBLIC INTEREST

1 **Q: How does the Commission determine if the public interest is served?**

2 **A: Whether the public interest is served is an important part of the Commission's**
3 review in this proceeding.³ IC § 8-1-2.5-5(b) states:

4 (b) In determining whether the public interest will be served,
5 the commission shall consider the following:

6 (1) Whether technological or operating conditions,
7 competitive forces, or the extent of regulation by other state
8 or federal regulatory bodies render the exercise, in whole or
9 in part, of jurisdiction by the commission unnecessary or
10 wasteful.

11 (2) Whether the commission's declining to exercise, in whole
12 or in part, its jurisdiction will be beneficial for the energy
13 utility, the energy utility's customers, or the state.

14 (3) Whether the commission's declining to exercise, in whole
15 or in part, its jurisdiction will promote energy utility
16 efficiency.

17 (4) Whether the exercise of commission jurisdiction inhibits
18 an energy utility from competing with other providers of
19 functionally similar energy services or equipment.

20 Based on prior Commission orders concerning renewable energy generation, the
21 Commission considers at least the following when determining public interest: 1)
22 endangered species; 2) land use; 3) other environmental impacts; 4) local
23 government and zoning approval; 5) the need for the additional generation; and 6)
24 the ability for the generated energy to serve Indiana through interconnection with

³ IC 8-1-2.5-5(a) in relevancy states: "[T]he Commission may enter an order, after notice and hearing, that the public interest requires the Commission to commence an orderly process to decline to exercise, in whole or in part, its jurisdiction over [...] the energy utility [...]"

1 a regional transmission organization.⁴ These considerations are long established
2 by the Commission.

3 **Q: Please explain further the evidence typically submitted and used by the**
4 **Commission when evaluating the public interest?**

5 A: Reviewing prior Commission orders shows consistency in the types of evidence
6 submitted and used by the Commission in evaluating the public interest. Typically,
7 petitioners have already conducted many environmental field studies needed to
8 identify endangered species and sensitive environmental areas such as wetlands.
9 Completing field studies is necessary to engage in correspondence with state and
10 federal agencies such as U.S. Fish and Wildlife Services (“USFWS”) and the
11 Indiana Department of Natural Resources (“IDNR”). Many petitioners have already
12 begun that correspondence prior to filing their case-in-chief. Many petitioners
13 typically have secured all local approvals or have made considerable progress in
14 securing local approval. To show this progress, petitioners attached the zoning
15 approvals, decommissioning plans, and described local hearings they have
16 attended. To demonstrate the ability to interconnect, petitioners attach the system
17 impact studies and signed interconnections agreements. If the signed
18 interconnection agreement is not available, drafts are provided.

⁴ See e.g. *Meadow Lake Wind Farm VI, LLC*, IURC Cause No. 45010, February 28, 2018; *Head Waters Wind Farm, LLC*, IURC Cause No. 44358, September 19, 2013; *Lone Oak Solar Energy, LLC*, IURC Cause No. 45255, October 29, 2019; *Fairbanks Solar Energy Center, LLC*, IURC Cause No. 45254, October 29, 2019; *Speedway Solar, LLC*, IURC Cause No. 45230, September 18, 2019; *West Fork Wind, LLC*, IURC Cause No. 45047, filed with the Commission February 8, 2018, and dismissed by Docket Entry issued May 8, 2020; and *Riverstart Solar Park, LLC*, IURC Cause No. 45336, June 3, 2020.

1 **Q: Please provide examples of the types of attachments provided.**

2 A: *Speedway Solar, LLC* (“Speedway”) is an excellent example of a project that made
3 considerable progress before filing with the Commission.⁵ Speedway provided the
4 following attachments:

- 5 1. Attachment PKE-2, Wildlife Impact Analysis.⁶
- 6 2. Attachment PKE-3, Wetland Delineation and Stream Assessment.⁷
- 7 3. Petitioner’s PKE-4, Visual Impact Analysis.⁸
- 8 4. Attachment PKE-5, Acoustic Assessment.⁹
- 9 5. Attachment PKE-6, Drainage Plan.¹⁰
- 10 6. Attachment PKE-7, Phase I Cultural Resources Desktop Review.¹¹
- 11 7. Attachment PKE-8, Shelby County Board of Zoning Appeals (“BZA”)
12 findings of fact.¹²
- 13 8. Attachment PKE-9, Phase I and Phase II System Impact Studies.¹³

⁵ *Speedway Solar, LLC*, IURC Cause No. 45230, September 18, 2019

⁶ *Speedway Solar, LLC*, IURC Cause No. 45230, Petitioner’s Exhibit 1, Verified Direct Testimony of Peter K. Endres, Page 8, line 13.

⁷ *Id.*, line 19.

⁸ *Id.*, page 9, line 1.

⁹ *Id.*, line 7.

¹⁰ *Id.*, line 15.

¹¹ *Id.*, line 16.

¹² *Id.*, page 12, line 3.

¹³ *Id.*, page 14, lines 20 to 21.

III. GREENSBORO'S INSUFFICIENT EVIDENCE

1 **Q: Did Greensboro provide the necessary information regarding its**
2 **environmental studies for the Commission to determine declining jurisdiction**
3 **is in the public interest?**

4 A: No. Many of the studies developers like Greensboro typically perform are not yet
5 complete. Petitioner's Witness Zachary Melda, by his own admission, states: "The
6 project is in early stages of development."¹⁴ The seven environmental and cultural
7 studies Mr. Melda identifies, are not expected to be completed until after this cause
8 is fully litigated.¹⁵ These studies and analyses are crucial in identifying endangered
9 species, land use, and other environmental impacts. If the environmental impacts
10 are not determinable, Petitioner cannot be certain what other agencies will have
11 regulation over the Project.

12 **Q: Did Greensboro provide necessary information regarding its work with other**
13 **regulatory bodies for the Commission to determine declining jurisdiction is in**
14 **the public interest?**

15 A: No. As with the seven environmental and cultural studies, much work needs
16 completed with Henry County and the state and federal agencies anticipated to
17 regulate portions of the Project. Mr. Melda's testimony is not sufficient to support
18 a Commission finding that the declination of jurisdiction serves the public interest.

¹⁴ Petitioner's Exhibit No. 1, Verified Direct Testimony of Zachary Melda, page 8 line 1.

¹⁵ Melda Direct, page 8, lines 10 to 23.

1 Mr. Melda states:

2 Petitioner *will* apply for a Commission Approved
3 Use ('CAU') with the Henry County Planning
4 Commission in accordance with Henry County's
5 zoning ordinance. Petitioner *anticipates* applying for
6 the CAU in November 2020. Petitioner expects to
7 receive approval for the CAU in January 2021.¹⁶
8 (Emphasis added)

9 Mr. Melda describes other Henry County approvals in similar fashion.¹⁷ Because
10 the Project is in such an early development stage, Petitioner has not yet completed
11 the work needed to identify all the permits needed: "Petitioner *will* be conducting
12 field surveys in an effort to avoid and minimize impacts to wetlands and surface
13 water features within the Project area."¹⁸ (Emphasis added). Without completed
14 field survey's Petitioner cannot determine if permits are needed from the Indiana
15 Department of Environmental Management ("IDEM"), The Indiana Department of
16 Natural Resources ("IDNR"), or the United States Army Corp of Engineers
17 ("USACE").

18 **Q: Does Greensboro need to complete additional work before the facility's**
19 **interconnection can occur?**

20 A: Yes. While Petitioner has signed an interconnection agreement regarding the solar
21 generation portion of the Project, the Project's battery portion only recently
22 (October 2020), was presented to Midcontinent Independent System Operator

¹⁶ Melda Direct, page 10, lines 12 to 15.

¹⁷ Melda Direct, page 11, lines 4 to 5, and lines 7 to 8

¹⁸ Melda Direct, page 12, lines 13 to 14.

1 ("MISO") for approval. Battery component approval is not expected before this
2 cause's conclusion.

IV. CONCLUSION

3 **Q: Does the evidence support Greensboro meets the IC 8-1-2.5-5(b) factors and**
4 **the other areas of public interest the Commission considers?**

5 **A:** No. Petitioner has not presented sufficient evidence to support the Commission
6 declining jurisdiction under IC § 8-1-2.5-5(b). The OUCC reviewed Petitioner's
7 information in its case-in-chief and cannot conclude it has provided ample
8 information and used due diligence to ensure all federal, state, and local authorities
9 who regulate these areas of public concern are identified and engaged in the Project
10 before filing for this relief. These regulatory bodies are crucial in ensuring the
11 public interest regarding the Project's future operation and wholesale energy
12 transactions are protected.

13 The Commission typically declines to exercise jurisdiction over a wholesale
14 renewable energy producer because the public interest would not be served by
15 duplicative regulatory oversight, could complicate and cause inefficiencies in
16 Petitioner's development and operation of the Project, could impede Petitioner's
17 ability to compete with other wholesale providers, and would be an unnecessary
18 use of the Commission's resources. The Commission cannot decline jurisdiction
19 without considering the factors IC 8-1-2.5-5(b) identifies. Given the status of the
20 development of the Project at this time the OUCC cannot support this request.

1 **Q: Is the OUCC suggesting Petitioner's request for declination of jurisdiction**
2 **have all Project aspects completed before filing with the Commission?**

3 A: No. The OUCC recognizes petitioners in declination of jurisdiction proceedings do
4 not need all regulatory approvals in place before filing with the Commission.
5 However, in previous proceedings, the petitioner's progress is usually further along
6 in obtaining the various approvals, as I have illustrated above. When a petitioner
7 can show some completed milestones and significant progress on others, the OUCC
8 typically supports petitioner's request. Further progress informs the OUCC and
9 Commission that other regulatory entities will have appropriate oversight of the
10 facility and additional Commission jurisdiction is not needed. The Commission
11 must place an appropriate amount of weight on promises of future performance
12 versus the weight it places on significant progress other similarly situated
13 petitioners typically achieve when seeking declination of jurisdiction. The OUCC
14 acknowledges Petitioner secured an offtaker for the power, however, IC 8-1-2.5-
15 5(b) and prior Commission orders clearly show the Commission considers many
16 more aspects of the request in its analysis.

V. RECOMMENDATION

17 **Q. What does the OUCC recommend in this proceeding?**

18 A. The OUCC recommends the Commission deny Greensboro's request for
19 declination of jurisdiction until Petitioner provides evidence of progress in
20 obtaining sufficient additional regulatory approvals allowing the Commission to
21 determine the public interest will be served by declining to exercise jurisdiction.

1 **Q: Should the Commission approve Petitioner's requested relief, what does the**
2 **OUCC recommend regarding reporting and additional requirements**
3 **concerning material change in Project output or Project modification or**
4 **suspension?**

5 A: The OUCC agrees with reporting and additional requirements concerning material
6 change in Project output or Project modification or suspension, as outlined in Mr.
7 Melda's testimony at Question 56 and 57, pages 23 through 27. These requirements
8 are consistent with the OUCC's recommendations in prior dockets and with
9 previous Commission Final Orders regarding renewable energy and Commission
10 jurisdiction. The OUCC further recommends the initial quarterly report be
11 submitted within thirty (30) days of a Final Order granting declination of
12 jurisdiction in the cause.

13 **Q. Does this conclude your testimony?**

14 A. Yes.

APPENDIX A

1 **Q: Summarize your professional background and experience.**

2 A: I graduated from Michigan State University in 2008 with a Bachelor of Science
3 degree in Environmental Science and Management. I graduated from Florida State
4 University College of Law in May 2011 with a Juris Doctorate and Environmental
5 Law certificate. I spent over two years while in law school as a certified legal
6 intern, providing pro bono legal services to poverty level residents of Tallahassee,
7 FL. I worked in the legal department of Depuy Synthes, a Johnson & Johnson
8 Company, where I assisted with patent filings and nondisclosure agreements.
9 Starting in 2013, I worked for the Indiana Department of Environmental
10 Management as a rule writer, in which I worked extensively with the public at large,
11 special interests groups, and affected regulated entities to understand the
12 rulemaking process and to respond to their comments on ongoing environmental
13 rules. I joined the OUCC in July of 2017.

14 **Q: Describe some of your duties at the OUCC.**

15 A: I review and analyze utilities' requests and file recommendations on behalf of
16 consumers in utility proceedings. As applicable, my duties may also include
17 analyzing state and federal regulations, evaluating rate design and tariffs,
18 examining books and records, inspecting facilities, and preparing various studies.
19 Most of my expertise is in environmental science, environmental state and federal
20 regulation, and state agency administration.

1 **Q: Have you testified before the Indiana Utility Regulatory Commission?**

2 A: Yes. I have previously testified in Cause Nos. 42170 ECR -30, 44340 FMCA-9,
3 44340 FMCA-10, 44340 FMCA-11, 44340 FMCA-12, 44340 FMCA-13, 44963,
4 44978, 44981, 44998, 45010, 45047, 45052, 45071, 45194, 45197, 45235, 45253,
5 45253 S2, 45336, 45361, 45403.

Indiana**Federally-Listed Threatened, Endangered and Proposed Species' County Distribution**

For more information on Indiana's federally listed species, contact

U.S. Fish and Wildlife Service, 620 S. Walker St., Bloomington, Indiana 47403-2121 or phone (812)334-4261

Revised March 7, 2019

Species	Status	Counties	Habitat
MAMMALS			
Gray bat (<i>Myotis grisescens</i>)	Endangered	Clark, Crawford, Floyd, Harrison, Perry, Spencer	A year-round cave obligate species - - roosting in caves both during hibernation and summer. Foraging habitat of gray bats is correlated with rivers, streams, lakes or reservoirs and associated shorelines. Forested corridors used to travel between caves and foraging areas.
Indiana bat <i>Myotis sodalis</i>	Endangered	Statewide CRITICAL HABITAT: Big Wyandotte Cave (Crawford County), Ray's Cave (Greene County)	Hibernation occurs in caves and mines, with swarming in surrounding wooded areas. Summer roosting and foraging habitat occurs in wooded stream corridors and in bottomland and upland forests and woods.
Northern long-eared bat <i>Myotis septentrionalis</i>	Threatened	Statewide	Hibernates in caves and mines - swarming in surrounding wooded areas in autumn. Roosts and forages in upland forests and woods.
BIRDS			
Least tern (<i>Sterna antillarum</i>)	Endangered	Gibson, Greene, Posey, Spencer	Sandbars on large rivers, dredged spoil islands, and man-made habitats that include constructed nesting islands and gravel areas near impoundments.
Piping plover (<i>Charadrius melodus</i>)	Endangered	Lake, LaPorte and Porter	Beaches along shoreline of Lake Michigan
Piping plover (<i>Charadrius melodus</i>)	Critical Habitat Designated	Porter - 7.9 km of Lake Michigan shoreline (5 km are part of Indiana Dunes State Park and the remaining 2.9 km are part of Indiana Dunes National Lakeshore) No recent records	
Rufa red knot (<i>Calidris canutus rufa</i>)	Threatened	Lake	Beaches along shoreline of Lake Michigan
REPTILES			
Copperbelly water snake (<i>Nerodia erythrogaster neglecta</i>)	Threatened	Kosciusko, St. Joseph, Steuben	Wooded and permanently wet areas such as oxbows, sloughs, brushy ditches and floodplain woods
Eastern massasauga (<i>Sistrurus catenatus</i>)	Threatened	Allen, Carroll, Elkhart, Fulton, Kosciusko, Lagrange, Lake, LaPorte, Marshall, Noble, Porter, Pulaski, St. Joseph, Starke, Steuben, Whitley	Wetlands and adjacent uplands

MUSSELS			
Clubshell (<i>Pleurobema clava</i>)	Endangered	Carroll, Dekalb, Fulton, Kosciusko, Marshall, Pulaski, Starke, Steuben, Tippecanoe, White	Tippecanoe River, Fish Creek
Fanshell (<i>Cyprogenia stegaria</i>)	Endangered	Carroll, Daviess, Dubois, Gibson, Lawrence, Martin, Pike, Posey, Tippecanoe, Wabash, White	Tippecanoe River, Wabash River, East Fork White River
Fat pocketbook (<i>Potamilus capax</i>)	Endangered	Daviess, Dubois, Gibson, Knox, Pike, Posey, Vanderburgh	Big Creek, Ohio River, Wabash River, East Fork White River, White River
Northern riffleshell (<i>Epioblasma torulosa rangiana</i>)	Endangered	Dekalb, Pulaski	Tippecanoe River, Fish Creek
Rabbitsfoot (<i>Quadrula cylindrica cylindrica</i>)	Threatened	Carroll, Cass, Fulton, Miami, Perry, Pulaski, Shelby, Spencer, Starke, Tippecanoe, Wabash and White	Eel River, Fish Creek, Flatrock River, Ohio River, Sugar Creek, Tippecanoe River, Wabash River
Rabbitsfoot (<i>Quadrula cylindrica cylindrica</i>)	Critical Habitat	Carroll, Pulaski, Tippecanoe and White	Tippecanoe River
Rayed Bean (<i>Villosa fabalis</i>)	Endangered	Allen, Carroll, Dekalb, Fulton, Johnson, Kosciusko, Marshall, Pulaski, Starke, Steuben, Tippecanoe, and White	Fish Creek, Lake Maxinkuckee, St. Joseph River, Sugar Creek, Tippecanoe River
Rough pigtoe (<i>Pleurobema plenum</i>)	Endangered	Lawrence, Martin	East Fork White River
Sheepnose (<i>Plethobasus cyphus</i>)	Endangered	Carroll, Cass, Clark, Crawford, Dearborn, Floyd, Fulton, Harrison, Jefferson, Knox, Marshall, Martin, Ohio, Perry, Posey, Pulaski, Spencer, Starke, Switzerland, Tippecanoe, Vanderburgh, Wabash, Warrick, White	Eel River, Ohio River, Tippecanoe River, East Fork White River, and Wabash River
Snuffbox (<i>Epioblasma triquetra</i>)	Endangered	Carroll, Hancock, Huntington, Johnson, LaGrange, Shelby, Tippecanoe, and White	Small to medium-sized creeks and some larger rivers, in areas with a swift current - - Tippecanoe River, Salamonie River, Sugar Creek, Buck Creek, Pigeon River
White cat's paw pearlymussel (<i>Epioblasma obliquata perobliqua</i>)	Endangered	Dekalb	Fish Creek
INSECTS			
Mitchell's satyr (<i>Neonympha mitchellii</i>)	Endangered	LaGrange	Fens
Karner blue butterfly (<i>Lycaeides melissa samuelis</i>)	Endangered	Lake, Porter	Pine barrens and oak savannas on sandy soils and containing wild lupines (<i>Lupinus perennis</i>), the only known food plant of larvae.
Rusty patched bumble bee <i>Bombus affinis</i>	Endangered	Fountain, Hamilton, Lake, Marion, Montgomery Note for project proponents: this bee is not known to occur throughout the entire county. To determine if your project or ongoing action is within an area that is likely to have the rusty patched bumble bee, use our online tool at https://ecos.fws.gov/ipac/	Grasslands with flowering plants from April through October, underground and abandoned rodent cavities or clumps of grasses above ground as nesting sites, and undisturbed soil for hibernating queens to overwinter.

PLANTS			
Eastern prairie fringed orchid (<i>Plantathera leucophaea</i>)	Threatened	White	Mesic to wet prairies and meadows
Mead's milkweed <i>Asclepias meadii</i>	Threatened	Lake	Prairies
Pitcher's thistle (<i>Cirsium pitcheri</i>)	Threatened	Lake, Porter	Lakeshores; stabilized dunes and blowout areas
Running buffalo clover (<i>Trifolium stoloniferum</i>)	Endangered	Dearborn, Ohio, Ripley	Disturbed bottomland meadows
Short's bladderpod (<i>Physaria globosa</i>)	Endangered and Critical Habitat	Posey	Rocky wooded slopes and talus areas, often associated with calcareous rock. Along cliff tops, ledges and bases; often adjacent to rivers or streams.
Short's goldenrod (<i>Solidago shortii</i>)	Endangered	Harrison	Natural openings associated with rock outcrops or rocky shorelines along rivers.

Indiana County Endangered, Threatened and Rare Species List



Cause No. 45425 County: Henry

OUCS Attachment LMA-1

1 of 2

Species Name	Common Name	FED	STATE	GRANK	SRANK
Mollusk: Bivalvia (Mussels)					
<i>Alasmodonta viridis</i>	Slippershell Mussel		SSC	G4G5	S3
<i>Lampsilis fasciola</i>	Wavyrayed Lampmussel		SSC	G5	S3
<i>Ptychobranhus fasciolaris</i>	Kidneyshell		SSC	G4G5	S2
<i>Toxolasma lividus</i>	Purple Lilliput	C	SSC	G3Q	S2
<i>Villosa lienosa</i>	Little Spectaclecase		SSC	G5	S3
Insect: Odonata (Dragonflies & Damselflies)					
<i>Somatochlora tenebrosa</i>	Clamp-tipped Emerald		SR	G5	S2S3
Fish					
<i>Notropis ariommus</i>	Popeye Shiner			G3	SX
Amphibian					
<i>Hemidactylum scutatum</i>	Four-toed Salamander		SSC	G5	S2
Reptile					
<i>Clonophis kirtlandii</i>	Kirtland's Snake		SE	G2	S2
Bird					
<i>Cistothorus palustris</i>	Marsh Wren		SE	G5	S3B
<i>Cistothorus platensis</i>	Sedge Wren		SE	G5	S3B
<i>Haliaeetus leucocephalus</i>	Bald Eagle		SSC	G5	S2
<i>Ixobrychus exilis</i>	Least Bittern		SE	G4G5	S3B
<i>Nycticorax nycticorax</i>	Black-crowned Night-heron		SE	G5	S1B
<i>Pandion haliaetus</i>	Osprey		SSC	G5	S1B
<i>Rallus elegans</i>	King Rail		SE	G4	S1B
<i>Rallus limicola</i>	Virginia Rail		SE	G5	S3B
<i>Tyto alba</i>	Barn Owl		SE	G5	S2
Mammal					
<i>Myotis sodalis</i>	Indiana Bat	LE	SE	G2	S1
<i>Taxidea taxus</i>	American Badger		SSC	G5	S2
Vascular Plant					
<i>Carex decomposita</i>	cypress-knee sedge		ST	G3G4	S2
<i>Carex flava</i>	yellow sedge		ST	G5	S2
<i>Carex viridistellata</i>	green star sedge		SE	G2G3	SU
<i>Cypripedium candidum</i>	small white lady's-slipper		ST	G4	S3
<i>Hydrastis canadensis</i>	golden seal		WL	G3G4	S3
<i>Hypericum pyramidatum</i>	great St. John's-wort		ST	G4T4	S2
<i>Melanthium virginicum</i>	Virginia bunchflower		SE	G5	S1
<i>Platanthera psycodes</i>	small purple-fringe orchid		ST	G5	S3
<i>Rudbeckia fulgida var. fulgida</i>	orange coneflower		WL	G5T4?	S3
<i>Triglochin palustris</i>	marsh arrow-grass		ST	G5	S2
<i>Turritis glabra</i>	tower-mustard		WL	G5	S3

Indiana Natural Heritage Data Center
Division of Nature Preserves
Indiana Department of Natural Resources
This data is not the result of comprehensive county surveys.

Fed: LE = Endangered; LT = Threatened; C = candidate; PDL = proposed for delisting
State: SE = state endangered; ST = state threatened; SR = state rare; SSC = state species of special concern; SX = state extirpated; SG = state significant; WL = watch list
GRANK: Global Heritage Rank: G1 = critically imperiled globally; G2 = imperiled globally; G3 = rare or uncommon globally; G4 = widespread and abundant globally but with long-term concerns; G5 = widespread and abundant globally; G? = unranked; GX = extinct; Q = uncertain rank; T = taxonomic subunit rank
SRANK: State Heritage Rank: S1 = critically imperiled in state; S2 = imperiled in state; S3 = rare or uncommon in state; G4 = widespread and abundant in state but with long-term concern; SG = state significant; SH = historical in state; SX = state extirpated; B = breeding status; S? = unranked; SNR = unranked; SNA = nonbreeding status unranked

Indiana County Endangered, Threatened and Rare Species List



Cause No. 45425 County: Henry

OUCC Attachment LMA-1

2 of 2

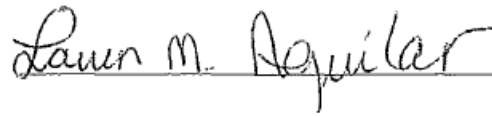
Species Name	Common Name	FED	STATE	GRANK	SRANK
High Quality Natural Community					
<i>Forest - flatwoods central till plain</i>	Central Till Plain Flatwoods		SG	G3	S2
<i>Forest - upland mesic Central Till Plain</i>	Central Till Plain Mesic Upland Forest		SG	GNR	S3
<i>Wetland - fen</i>	Fen		SG	G3	S3
<i>Wetland - seep circumneutral</i>	Circumneutral Seep		SG	GU	S1

Indiana Natural Heritage Data Center
Division of Nature Preserves
Indiana Department of Natural Resources
This data is not the result of comprehensive county surveys.

Fed: LE = Endangered; LT = Threatened; C = candidate; PDL = proposed for delisting
State: SE = state endangered; ST = state threatened; SR = state rare; SSC = state species of special concern; SX = state extirpated; SG = state significant; WL = watch list
GRANK: Global Heritage Rank: G1 = critically imperiled globally; G2 = imperiled globally; G3 = rare or uncommon globally; G4 = widespread and abundant globally but with long-term concerns; G5 = widespread and abundant globally; G? = unranked; GX = extinct; Q = uncertain rank; T = taxonomic subunit rank
SRANK: State Heritage Rank: S1 = critically imperiled in state; S2 = imperiled in state; S3 = rare or uncommon in state; G4 = widespread and abundant in state but with long-term concern; SG = state significant; SH = historical in state; SX = state extirpated; B = breeding status; S? = unranked; SNR = unranked; SNA = nonbreeding status unranked

AFFIRMATION

I affirm, under the penalties for perjury, that the foregoing representations are true.

A handwritten signature in cursive script, reading "Lauren M. Aguilar", written over a horizontal line.

Lauren M. Aguilar
Utility Analyst
Indiana Office of Utility Consumer Counselor

Cause No. 45424
Brickyard Solar LLC

Date: December 10, 2020

CERTIFICATE OF SERVICE

This is to certify that a copy of the ***OUCC TESTIMONY OF LAUREN M. AGUILAR*** has been served upon the following parties of record in the captioned proceeding by electronic service on December 10, 2020.

Greensboro Solar Center, LLC

Randolph L. Seger
Michael Griffiths
Dentons Bingham Greenebaum LLP
randy.seger@dentons.com
michael.griffiths@dentons.com



T. Jason Haas
Attorney No. 34983-29
Deputy Consumer Counselor

INDIANA OFFICE OF UTILITY CONSUMER COUNSELOR

PNC Center

115 West Washington Street

Suite 1500 South

Indianapolis, IN 46204

infomgt@oucc.in.gov

317/232-2494 – Telephone

317/232-5923 – Facsimile