

BEFORE THE POWER SITING BOARD OF OHIO

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In the Matter of the :  
Application of AEP Ohio :  
Transmission Company, Inc. :  
for a Certificate of :  
Environmental Compatibility : Case No. 16-702-EL-BTX  
and Public Need for :  
Construction of the :  
Macksburg-Devola 138kV :  
Transmission Line Project. :

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PROCEEDINGS

before Daniel F. Fullin, Administrative Law Judge, at  
the Lower Salem Elementary School, 10930 OH-821,  
Lower Salem, Ohio, called at 6:00 p.m. on Wednesday,  
November 1, 2017.

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1 APPEARANCES:

2 American Electric Power  
3 By Hector Garcia, Esq.  
4 1 Riverside Plaza, 29th Floor  
5 Columbus, Ohio 43215

6 On behalf of the Applicant.

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Wednesday Evening Session,  
November 1, 2017.

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A.L.J. FULLIN: First I just wanted to start by introducing myself. My name is Dan Fullin, I'm the Administrative Law Judge from the Power Siting Board that's been assigned to this case, and I was going to briefly describe the format.

If you're interested in testifying at today's hearing, then I would like it if you would -- if you haven't already done so, sign up on a signup sheet in the back, and I'll be calling the names from the signup sheet and we'll go in the order that those appear. At the end of that, if I run out of names on the signup sheet, I will ask if there's anyone else that was intending to testify that hadn't had a chance to do so and we'll let them come forward.

So let me begin by, you know, kind of reading from the format here. The Ohio Power Siting Board has assigned for public hearing Case No. 16-702-EL-BTX, which is the Matter of the Application of AEP Ohio Transmission Company, Incorporated for a Certificate of Environmental Compatibility and Public Need for the Macksburg -- oh, I meant to ask someone local, how do you

1 pronounce the word, is it Devola?

2 UNIDENTIFIED SPEAKER: Devola.

3 A.L.J. FULLIN: I hope I can remember to  
4 say it right, but please forgive me. I'm not from  
5 this area.

6 -- has assigned for hearing that the  
7 Certificate of Environmental Compatibility and Public  
8 Need for the Macksburg-Devola 138 kilovolt  
9 Transmission Project.

10 My name is Dan Fullin, I'm the  
11 Administrative Law Judge assigned by the Power Siting  
12 Board to hear the case. Also here from the Power  
13 Siting Board is Matt Butler, he's the one in the back  
14 that's taking the signatures on the signup sheets;  
15 and we also have from the Board Grant Zeto, who is  
16 also here.

17 I have been told that the attorney for  
18 the company is going to be arriving a little late  
19 today, but he is going to come and make an appearance  
20 here today, and I won't close the hearing until he's  
21 done so. I think he's not expected to arrive until  
22 close to 10 till 7:00, but we're -- he gave the okay,  
23 and I was probably going to anyway, proceed without  
24 him, get started without him.

25 The subject of today's hearing is

1 limited to the application, which was filed by AEP on  
2 March the 3rd of this year. The Macksburg-Devola  
3 line is a 138-kilovolt transmission line that is part  
4 of the overall southeast Ohio area improvements,  
5 connects Macksburg substation to the new Devola  
6 substation in Washington County.

7 The project is designed to improve  
8 customer service, cut down on power outages, and  
9 speed service restoration when outages occur. The  
10 Macksburg-Devola line will be approximately 17 miles  
11 long depending on the route selected. The line will  
12 likely run through Adams, Aurelius, Marietta,  
13 Muskingum, and Salem Townships in Washington County.

14 The Power Siting Board staff filed a  
15 Staff Report in this case on September the 22nd,  
16 2017, after conducting an investigation and review.  
17 The staff gave a recommendation to allow AEP to go  
18 forward subject to 22 conditions that it set out in  
19 its Staff Report. The Staff Report serves as a  
20 recommendation to the Board, but the Board still has  
21 the final decision, and a final decision has been  
22 made in this case.

23 An evidentiary hearing in this case is  
24 scheduled to occur at the Board's office in Columbus  
25 on November the 16th, 2017. AEP's application and

1 the staff's recommendation are available at the Power  
2 Siting's website under the case number here. If you  
3 need any assistance on finding that, you can speak to  
4 me before the -- before I leave today, I'll try to  
5 help you, or just call the Ohio Power Siting Board or  
6 look up under the Ohio Power Siting Board.

7 The purpose of this hearing is to  
8 receive comments from you, the public, regarding the  
9 application. It's not going to be a  
10 question-and-answer session, but an opportunity for  
11 you to let the Board know what you think about the  
12 proposal.

13 There is a court reporter here.  
14 Everything that's said today will be transcribed and  
15 filed in the docket in this case. The Board will  
16 review the comments before making its final decision.

17 Those wishing to speak have hopefully  
18 signed the -- the signup sheet as I discussed  
19 earlier. I will call those on the sheet forward --  
20 to come forward, then I'll swear you in and ask you  
21 to begin by giving your name, your address, and then  
22 you can proceed with your testimony. My intention  
23 would be to have you come forward and testify. You  
24 can remain standing if you want or be seated at this  
25 chair. The idea is that you'll come forward so the

1 court reporter won't have any trouble hearing you,  
2 but you'll need to project so that everyone else in  
3 the room can hear.

4 All right. So I think that's all I  
5 wanted to say in terms of introduction, and we'll  
6 begin then by having the first witness come forward.  
7 I believe the name is Wei Chung Sheng.

8 MR. SHENG: Chung Sheng.

9 A.L.J. FULLIN: Okay.

10 MR. SHENG: Do I get to stand?

11 A.L.J. FULLIN: Do you want to be sworn  
12 in?

13 MR. SHENG: Yeah.

14 A.L.J. FULLIN: Do you swear that the  
15 testimony you'll give will be the truth, the whole  
16 truth, and nothing but the truth?

17 MR. SHENG: Yes, I do.

18 A.L.J. FULLIN: Thank you. Proceed as  
19 you wish. And, again, if you'll start by giving your  
20 name and address.

21 MR. SHENG: Okay. My name is Wei Sheng,  
22 and my address residential is 402 Hart Street, Unit 4,  
23 Marietta, Ohio 45750. We own property at 773 Arends  
24 Ridge Road, 103 acres, and there is a right-of-way of  
25 AEP's power transmission that goes across our

1 property.

2 I did submit a letter from our company  
3 called Outdoor Heaven, Inc. And the reason I'm  
4 giving a comment today is that I prefer that the  
5 transmission line will choose the alternate route,  
6 not the preferred route. I noticed that on your --  
7 what do we call it? -- the summation, your report,  
8 that the difference in cost is probably about \$1.2  
9 million between the preferred and the alternate.

10 The reason why I prefer to have the  
11 alternate is because it will go alongside I-77; so  
12 there will be less opticals, and also because we'll  
13 be using our property for a project called Ohio  
14 Outdoor Heaven. We'll have some organic farming,  
15 we'll have a lot of traffic, we'll have a lot of  
16 recreation facilities there. And also without that  
17 power transmission on our right-of-way, it will be  
18 probably more safe for the people that come into our  
19 property. So I would like to suggest that that  
20 right-of-way of AEP on our property be revoked and  
21 that AEP could use the alternate route, which is  
22 really along I-77 from Highland Ridge substation to  
23 Devola substation, and that's our -- our comment on  
24 this.

25 A.L.J. FULLIN: Okay. I didn't really



1 hear the name of your business that you gave.

2 MR. SHENG: It's Outdoor Heaven, Inc. --  
3 I mean, it's, yeah, Outdoor Heaven, Inc., but the  
4 project's called Ohio Outdoor Heaven.

5 A.L.J. FULLIN: Okay. Thank you.

6 MR. SHENG: That's all.

7 A.L.J. FULLIN: I appreciate your  
8 comment. Thank you.

9 MR. SHENG: Thank you.

10 A.L.J. FULLIN: Okay. Next on the list  
11 is -- I can't read the first name, but I believe it's  
12 Fred or -- Gerber is the last name.

13 MR. GERBER: Yeah.

14 A.L.J. FULLIN: The pen was going dry, I  
15 think.

16 MR. GERBER: Yeah. Okay. Yeah.

17 A.L.J. FULLIN: Do you want to be sworn  
18 in?

19 MR. GERBER: Okay.

20 A.L.J. FULLIN: Do you swear the  
21 testimony you will provide will be the truth, the  
22 whole truth, and nothing but the truth?

23 MR. GERBER: Yes, sir.

24 A.L.J. FULLIN: Thank you. Again, if  
25 you'll start with your name and address, and then

1 proceed with your comment. You can stand if you  
2 want.

3 MR. GERBER: Frederick Gerber, 1670 Gun  
4 Club Road, Whipple, Ohio.

5 The reason I come up here, I wanted to  
6 know whether they was going to cross any more of my  
7 ground. They already go across a corner of it,  
8 because the transmission only goes across the corner  
9 of my property at the present, the one that's there,  
10 whether they was going to move it over any or whether  
11 they were going to use the existing.

12 A.L.J. FULLIN: Okay. Well --

13 MR. GERBER: I basically didn't want any  
14 more of my -- going into any of my ground any  
15 further.

16 A.L.J. FULLIN: Okay. Well, I'm not  
17 really in a position to answer questions.

18 MR. GERBER: Okay.

19 A.L.J. FULLIN: Actually I'm part of the  
20 Board that's making the decision in the case, but you  
21 might be able to speak with someone from the company  
22 and get the answer if you'd do that before you --  
23 before you leave today, then you could provide  
24 additional comment once you have talked to them.  
25 Otherwise --

1 MR. GERBER: Okay. Well, your map  
2 doesn't really show exactly.

3 A.L.J. FULLIN: Doesn't make it clear to  
4 you?

5 MR. GERBER: No.

6 A.L.J. FULLIN: Okay.

7 MR. GERBER: That's all I wanted to --

8 A.L.J. FULLIN: Okay. Thank you.

9 MR. GERBER: Yes, sir.

10 A.L.J. FULLIN: Next on the list I have  
11 Fred Heldman.

12 MR. HELDMAN: Yeah. I don't believe I  
13 have anything to say right now.

14 A.L.J. FULLIN: Sorry. I can't hear  
15 you.

16 MR. HELDMAN: I don't believe I have  
17 anything to say now.

18 A.L.J. FULLIN: Okay. Thank you.

19 Next on the list is Tom Hamilton. Do  
20 you swear that the testimony you're going to give  
21 today will be the truth, the whole truth, and nothing  
22 but the truth?

23 MR. HAMILTON: I do.

24 A.L.J. FULLIN: Thank you. Like the  
25 others, if you'd begin by giving your name and

1 address and proceeding with your comment.

2 MR. HAMILTON: Tom Hamilton, Box 59 --  
3 or, 1618 Highland Ridge Road, Lowell, Ohio.

4 A.L.J. FULLIN: Thank you.

5 MR. HAMILTON: We have all kinds of  
6 things keep changing out this way. They tell you  
7 it's going to be this way and then they change it.  
8 That's my big question.

9 Okay. Got everything on the other side  
10 of the interstate from us, whether it's the older or  
11 the original. We're in that part of the run where it  
12 gets very close to the interstate. As a matter of  
13 fact, one case runs right beside of it, and on the  
14 other case runs like maybe a half mile away from it.  
15 But we have high voltage in front of the house now, a  
16 lot higher than what it used to be, and that was the  
17 local power company deciding, oh, what the heck,  
18 we'll just up the power there and they won't say  
19 anything, they can't say anything, we're going to do  
20 it anyway. That was the approach they took.

21 Could that happen again where we don't  
22 have any say? I mean, if they -- they change their  
23 mind in the last minute, do we get stuck with the  
24 results? That's what I'm asking.

25 A.L.J. FULLIN: Okay.

1 MR. HAMILTON: You know, are these the  
2 only alternatives or could they come up with some new  
3 ones? I've been on boards before and that happens.

4 A.L.J. FULLIN: Yeah. Well, again, I  
5 don't think I'm in a position to answer your  
6 question.

7 MR. HAMILTON: Would you resist it?

8 A.L.J. FULLIN: Pardon?

9 MR. HAMILTON: Would you resist it or  
10 would you accept it?

11 A.L.J. FULLIN: Well, I'm here to decide  
12 the case. Actually the Board will decide the case.

13 MR. HAMILTON: I know you're part of it.

14 A.L.J. FULLIN: This is a case where the  
15 Board will make their decision based on the record,  
16 including comments here, and then evidence that comes  
17 on the evidentiary hearing which is coming up on  
18 November the 16th. So I'm sure that the Board's duty  
19 and expects to fulfill its duty to make its decision  
20 based on the record before it. That's the only  
21 appropriate thing for it to do is to decide the case  
22 based on the record that it has submitted to it for  
23 making its decision.

24 MR. HELDMAN: All right. That's fine.  
25 I just -- I can't see them changing at the last

1 minute and all this is a waste. It can happen, I've  
2 seen it happen.

3 A.L.J. FULLIN: All right.

4 MR. SHENG: All right.

5 A.L.J. FULLIN: Appreciate your  
6 testimony.

7 MR. SHENG: Yeah. All right. Thank  
8 you.

9 A.L.J. FULLIN: All right. Thank you.  
10 Next on the list is John C. Ayers.

11 MR. AYERS: I just come in to find out  
12 what the routes was.

13 A.L.J. FULLIN: Could you come up here?  
14 She's having a hard time hearing you from the back of  
15 the room.

16 MR. AYERS: I'm good.

17 A.L.J. FULLIN: Okay. I think he was  
18 saying he was interested in finding out what the  
19 routes would be.

20 Okay. Next on the list is looks like  
21 Billy Burkhardt. Do you swear the testimony you'll  
22 give today will be the truth, the whole truth, and  
23 nothing but the truth?

24 MR. BURKHART: Yes, sir.

25 A.L.J. FULLIN: Thank you.

1                   MR. BURKHART: My name's Billy Burkhart,  
2     50 Burkhart Road, Lowell, Ohio. The line is closer  
3     to my house right now than what I would prefer it to  
4     be at whatever kV it is right now, and jumping up,  
5     like, to 138 kV, I'm very concerned about it being  
6     that close to my house, my residence, and the health  
7     issues that that might -- you know, how I might be  
8     affected being subjected to that much electricity  
9     whenever I'm home. So I'm interested in getting  
10    it -- which I've talked to several people in previous  
11    meetings and over the phone, and I'm interested in  
12    getting it moved further away from my residence.

13                   The alternate route would be best, but  
14    if we're going to stay with the preferred route I'd  
15    like it to be moved further south than when this  
16    crosses -- it crosses I-77 just south of my -- on my  
17    property, but it's just south of my residence. And  
18    I'd prefer it to be moved quite a bit further south,  
19    which I've talked to Joe Holman about several times.  
20    That's pretty much it.

21                   A.L.J. FULLIN: I'm sorry, but I  
22    didn't -- I didn't follow or didn't hear what you  
23    said about the alternate route.

24                   MR. BURKHART: I would prefer it take  
25    the alternate route.

1 A.L.J. FULLIN: Okay.

2 MR. BURKHART: But if not, if it has to  
3 go on the preferred route, I would prefer that it  
4 would cross I-77 further south than what it currently  
5 does, which would put it further away from my  
6 residence.

7 A.L.J. FULLIN: Okay.

8 MR. BURKHART: I'm just concerned about  
9 the health issues on all that power sleeping there  
10 eight hours a day after day seven days a week would  
11 be, I mean, and the noise, too. I mean, I hunt, and  
12 you walk under them lines when you're out hunting and  
13 it's weather like it is today, they're cracking. I  
14 mean, it's noisy. So I'm concerned about that, and  
15 also concerned about the health issues that I would  
16 be subjected to -- being subjected to an extended  
17 amount of time like that.

18 A.L.J. FULLIN: All right. Thank you.

19 MR. BURKHART: Yep. Thank you.

20 A.L.J. FULLIN: Okay. I don't have any  
21 other names on the list, but I would be willing to  
22 let anybody that wants to come forward, if you can  
23 provide other testimony, if you wanted to raise your  
24 hand and I'll call on you.

25 MR. MILLER: Okay.



1                   A.L.J. FULLIN: Would you like to go  
2 first and I'll call you in a minute?

3                   MR. MILLER: It's Bud Miller, that's my  
4 nickname, real name is Arthur.

5                   A.L.J. FULLIN: What is your address?

6                   MR. MILLER: I live right here on 821,  
7 2863 State Route 821.

8                   A.L.J. FULLIN: Okay.

9                   MR. MILLER: Okay. Right here is my  
10 concern.

11                  A.L.J. FULLIN: You have to speak up a  
12 little bit.

13                  MR. MILLER: Yeah. Okay. Now it looks  
14 like I'm fine on the crossroad here, Arends Ridge.

15                  A.L.J. FULLIN: Let the record show that  
16 he's holding a picture of the map of the line, and  
17 he's presenting --

18                  MR. MILLER: And it's -- on your  
19 proposal route it looks okay, but then you go on out  
20 here, and this is the one I'm a little concerned  
21 with, it's on the -- what's it called, that road?

22                  A.L.J. FULLIN: You'll have to do your  
23 best to -- you know, I'm not going to know what  
24 you're pointing at. She's writing down what you say,  
25 but you've got to say it in such a way that I can

1 understand it when, you know, I'm looking at it two  
2 weeks from now and I don't know what you're pointing  
3 at.

4 MR. MILLER: I have property on the  
5 corner of 821, and the Veteran's Road goes out to the  
6 Amvets building right there on the corner. And  
7 that's what I'm concerned about, because it looks  
8 like it's going to come over on the property there  
9 and that's where there's too many power lines already  
10 going over the property.

11 A.L.J. FULLIN: It's going over property  
12 that's your property?

13 MR. MILLER: Yeah.

14 A.L.J. FULLIN: Okay.

15 MR. MILLER: And I'd prefer for you to  
16 go to the other side or go back behind it, because --

17 A.L.J. FULLIN: What do you mean by --  
18 again, I'm thinking about how this is going to look  
19 to me when I'm reading the transcript.

20 MR. MILLER: Yeah.

21 A.L.J. FULLIN: You know, can you  
22 explain what you mean by "back behind" and so forth  
23 because it won't mean anything to me?

24 MR. MILLER: If you're on 821.

25 A.L.J. FULLIN: Uh-huh.

1 MR. MILLER: When you go to the  
2 Veteran's Road out there, I can't remember the name  
3 of it, but anyhow it's up above going out to Highland  
4 Park there, but this goes out there to the VFW place  
5 there, and it's right in the corner of 821 in there,  
6 and there's got two buildings there, and  
7 two-and-a-half or three acres, and there's already  
8 power lines going over two sets of power lines, and  
9 that's enough for that small property, in my opinion.  
10 I don't think we can take any more; so I'd prefer  
11 that they stay on 821 side going north.

12 A.L.J. FULLIN: Okay. Thank you.

13 MR. HELDMAN: Uh-huh. Thank you.

14 A.L.J. FULLIN: Anyone else? You had  
15 your hand raised. Do you want to come forward?

16 MR. BROUGHTON: Hi. George Broughton,  
17 3700 State Route 60, Marietta, Ohio.

18 A.L.J. FULLIN: You want to be sworn in?

19 MR. BROUGHTON: Yes, please.

20 A.L.J. FULLIN: Do you swear that the  
21 testimony you'll give today will be the truth, the  
22 whole truth, and nothing but the truth?

23 MR. BROUGHTON: Yes.

24 A.L.J. FULLIN: Thank you. Go ahead.

25 MR. BROUGHTON: The property I -- I

1 represent two different interests, the Broughton  
2 Foundation, which we have 600 acres that goes  
3 straight through our park, and Broughton Commercial  
4 Properties, which is my entity. And so we have -- we  
5 basically have effectively about a mile of the  
6 preferred route.

7 I have to give the power company credit,  
8 they've done really an -- actually a good job  
9 communicating with me and the board. In fact,  
10 they're going to meet with our board tomorrow because  
11 we've been -- because we have a lot of concerns how  
12 it would affect the park and the environment and  
13 stuff like that, what would happen, so we wouldn't  
14 have an environmental issue.

15 Right now the existing transmission line  
16 goes through there now; so we were concerned about  
17 the trees, but at this point we've been satisfied.  
18 We're going to -- he's going to meet -- or the group,  
19 we're going to meet with the board and we'll make a  
20 decision, but at this point they've been very  
21 professional. They've showed the locations where the  
22 transmission poles would be; so we kind of know where  
23 it is, and also they've worked with us so we would  
24 not have any environmental issues where we would have  
25 access. We have a trail that goes through there

1 right now, and they're working with us on that so we  
2 won't destroy the trail, because we want to make sure  
3 since it's open to the public for free, we don't have  
4 any safety issues.

5 They have addressed our issues about  
6 during the construction phase that we don't have  
7 things people getting into, get in trouble, get hurt,  
8 because the park is open and we can't really stop  
9 access to the park during daylight hours. So as I  
10 said, I give a compliment to the power company for  
11 their access. We're okay so long as they work with  
12 us on the environmental issues and the access to the  
13 park, and that's all I have to say. So basically  
14 it's basically about a mile that goes through the  
15 park.

16 A.L.J. FULLIN: Okay. Thank you.

17 Is there anyone else that would want to  
18 testify at this time? If so, raise your hand.

19 (No response.)

20 A.L.J. FULLIN: I don't see anyone's  
21 hand raised. So like I said, I think that -- I don't  
22 know for sure what I should do, but I think I will  
23 adjourn -- take a pause here till about 10 till 7:00,  
24 and allow the attorney for the company to make an  
25 appearance on the record, and then at that time after

1 he's entered an appearance I would open the -- like I  
 2 did, I'll ask anyone that's still here at that time  
 3 if they wish to testify, I'll provide another  
 4 opportunity at that time. But between now and  
 5 approximately 10 till, we'll be in adjournment until  
 6 that time or whenever the attorney arrives, then  
 7 we'll go back on the record like I've described. If  
 8 at that time anybody still has a concern or wants to  
 9 bring up a comment or provide testimony, I'll give  
 10 them one more opportunity at that time. So until  
 11 then, we'll be in adjournment. Thank you.

12 (Recess taken.)

13 A.L.J. FULLIN: I'm going to bring the  
 14 hearing back up on the record.

15 I'm going to allow the attorney to enter  
 16 an appearance, and then I'm going to ask one more  
 17 time whether or not if there's anybody that wants to  
 18 provide more testimony. So if you wanted to go ahead  
 19 and make an appearance on behalf of the Company.

20 MR. GARCIA: Thank you, Your Honor.  
 21 Hector Garcia on behalf of AEP Ohio Transmission  
 22 Company, Inc., the Applicant.

23 A.L.J. FULLIN: Okay. Thank you.

24 MR. GARCIA: Thank you.

25 A.L.J. FULLIN: Is there anyone else

1 that wanted to provide more testimony tonight?

2 (No response.)

3 A.L.J. FULLIN: I see no one raising  
4 their hand or coming forward; so I think we've had  
5 all the testimony we're going to get for tonight and  
6 I'm going to bring this to a close. I thank everyone  
7 for their patience, and we'll bring this to a close.  
8 Thank you.

9 MR. GARCIA: Thank you, Your Honor.

10 (Thereupon, the hearing was  
11 concluded at 6:53 p.m.)

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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 Wednesday, November 1,  
2017, and carefully compared with my original  
stenographic notes.

*Carolyn D. Ross*

Carolyn D. Ross,  
Registered Professional  
Reporter and Notary  
Public in and for the  
State of Ohio.

My commission expires April 3, 2019.  
(CDR-85201)

