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PUCO

TRANSCRIPT TO THE TESTIMONY OF:

PUCO Hearing in Felicity, Ohio

Case Name: In the Matter of Application by the
City of Hamilton, Ohio and American
Municipal Power, Inc.

Case Number: 10-2439-EL-BSB
10-2440-EL-BTX

Date Taken: October 13, 2011
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OHIO PUBLIC UTILITIES COMMISSION

PUBLIC HEARING

OCTOBER 13, 2011

6:00 P.M.

Franklin Township Community Building

2003 Main Street

Felicity, Ohio

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RE: In the Matter of Applications by the City of

Hamilton, Ohio, and American Municipal Power, Inc.,

for a Certificate of Environmental Compatibility

and Public Need for the Meldahl Hydroelectric

Project 138 kV Transmission Line and Substation

Case Nos. 10-2439-EL-BSB

10-2440-EL-BTX

TRI-COUNTY COURT REPORTING & VIDEOTAPE SERVICE

886 Bradbury Road

Cincinnati, Ohio 45245

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1 ADMINISTRATIVE LAW JUDGE: The Ohio Power
2 Siting Board is assigned for public hearing at this
3 time and place, Case Nos. 10-2440-EL-BTX and
4 10-2439-EL-BSB, which are captioned "In The Matter
5 of the Application by the City of Hamilton and
6 American Municipal Power, Incorporated, for a
7 Certificate of Environmental Compatibility and
8 Public Need for the Construction of a Transmission
9 Line and Substation in Franklin and Washington
10 Townships".

11 My name is Mandy Willey and I'm the
12 Administrative Law Judge assigned by the Ohio
13 Siting Board to hear this case. Also in the front
14 of the room is Matthew Schilling -- he has a
15 sign-in sheet -- and he is with the Office of
16 Public Affairs.

17 At this time I'd like to take appearances of
18 the parties. This would include the applicants as
19 well as anyone who has been granted intervention in
20 this case.

21 MS. BOTT: My name is April Bott on behalf of
22 the applicants, City of Hamilton and American
23 Municipal Power.

24 ADMINISTRATIVE LAW JUDGE: Thank you. The
25 purpose of today's hearing is to receive comments

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1 of people who are not parties in this case
2 regarding the application. It's not a
3 question-and-answer session, but it's your
4 opportunity to let the Ohio Power Siting Board know
5 what you think about this application and the
6 proposed transmission line and substation. There's
7 also an evidentiary hearing which is scheduled to
8 be held in this case, and as of this morning that
9 was rescheduled for October 25th, 2011, and that is
10 at the offices of the Board in Columbus. And if
11 you need more information about that you can get
12 that information from Mr. Schilling. That was
13 October 25th, 2011.

14 As you can see, there is a court reporter
15 present to my right. Today's hearing is being
16 transcribed by that court reporter, so if you plan
17 to testify please speak clearly so the court
18 reporter can accurately rerecord your comments.
19 Also if you have a written statement today it will
20 be helpful if you would provide that to the court
21 reporter even if you're also testifying.

22 When you arrived you were offered the
23 opportunity to sign up to testify by Mr. Schilling.
24 And after I finish with my introduction I will
25 begin calling witnesses, if you want to stand up at

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1 that point and give your testimony. I will ask you
2 to state your name and address. And your testimony
3 will be considered part of the official record in
4 this case and it will be reviewed by the Ohio Power
5 Siting Board prior to making a decision on this
6 application.

7 Before you present your testimony I will ask
8 you to take an oath or affirmation that what you're
9 about to say is the truth. And additionally, the
10 attorney of the applicants as well as I will be
11 permitted to ask you questions about your statement
12 if we wish to. Should you decide when I call your
13 name that you don't want to testify, you can merely
14 state, "Pass," and we will go on to the next
15 witness. Also, once you finish testifying or if
16 you're here to observe, you're free to leave at any
17 time that you wish.

18 The Board does appreciate your participation
19 in this hearing tonight and will take your comments
20 into consideration. Are there any questions as to
21 the process that we will be following tonight?

22 I will go to the first name on the list. That
23 is Duane Ray Brown. If you want to stand or you
24 can give your testimony seated if you'd prefer to.
25 Could you please state and spell your name for the

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1 record.

2 MR. BROWN: My name is Dwane Ray Brown. And
3 it's spelled D-W-A-N-E, Ray, R-A-Y, last name
4 Brown, B-R-O-W-N. I live at 2762 Bert Reed
5 Memorial Road in Felicity, Ohio, 45120.

6 ADMINISTRATIVE LAW JUDGE: Could you please
7 raise your right hand?

8 (Witness duly sworn.)

9 ADMINISTRATIVE LAW JUDGE: You may proceed.

10 MR. BROWN: I guess first I'd like to start
11 off with a question basically. What is the mission
12 of the Ohio Power Siting Board? What is your
13 purpose?

14 ADMINISTRATIVE LAW JUDGE: The purpose of the
15 hearing tonight, it's not a question-and-answer
16 session, so I can't really make statements on the
17 record because the purpose of tonight's hearing is
18 just for you to give your testimony about what you
19 think about the application and the proposed
20 transmission line and substation.

21 MR. BROWN: It's not a question pertaining
22 actually to the case, ma'am; it's more or less what
23 your agency actually does. What are your
24 responsibilities as far as pertaining to what you
25 do in a case? I mean, my understanding is that

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1 you're supposed to make sure that AMP follows all
2 the rules and regulations according to the law and
3 also that you have a responsibility to the
4 environment, that you make sure that the
5 environment is protected, you make sure the people
6 are protected, the Ohioans are protected. Is that
7 correct?

8 ADMINISTRATIVE LAW JUDGE: I can't answer
9 questions on the record because the purpose of this
10 hearing is solely to hear testimony of the public.
11 So, if you want to voice your concerns about those
12 issues you can do that, or if you want to ask us
13 questions after the session you can do that, but we
14 can't do that on the record.

15 MR. BROWN: Okay. Well, I'll start with my
16 concerns. I'm going to reference a case. It was
17 Ohio 125 St. 3d, Case No. 333, Ohio, and it was in
18 2010. And the date on that was May 4th, 2010. And
19 this was I guess a deposition. There were
20 testimony given by Justice Pfeifer. And basically
21 he is referring -- I can read it verbatim or I can
22 paraphrase it. Which would you prefer?

23 ADMINISTRATIVE LAW JUDGE: Whichever you would
24 prefer to do.

25 MR. BROWN: Basically he's addressing the

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1 Power Siting Board. It is the Power Siting --
2 Paragraph 38 says, "The Power Siting Board
3 comprises extremely busy officials who rely heavily
4 on staff members. I am concerned that the Board
5 may not be giving appropriate consideration to
6 aesthetic values." And then he refers to the
7 county which the case was addressed in
8 Paragraph 39. In Paragraph 40 he says, "As our
9 state grows, more utility resources will be needed,
10 whether wind farms, electric lines, natural gas
11 lines, or some other type of utility facilities.
12 Many factors must be considered when determining
13 the locations of these vital resources. Esthetics
14 and nature preservation should not necessarily
15 trump other considerations, especially when they
16 are cost prohibitive. When an economically
17 reasonable alternative is available, however, the
18 impact on nature and esthetics should be of
19 paramount importance, especially in a place --"
20 referring to Geauga County that was this case.

21 Paragraph 42, "I am concerned that the hearing
22 officers will continue to follow the path of least
23 resistance, where the line is straightest or
24 cheapest, without giving proper consideration to
25 other values prized by Ohioans. The members of the

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1 Power Siting Board should ensure that their staff
2 members are aware of the importance of preserving
3 nature and scenery when considering sites for
4 utility resources, without of course unduly
5 sacrificing economic impact. Our state will need
6 to develop more utility resources while endeavoring
7 to retain its natural beauty. The Power Siting
8 Board must endeavor to achieve both objectives."

9 So, I'm referring to that because it's my
10 understanding that we were supposed to have
11 archeological studies and the bat study was
12 supposed to be redone due to the fact that we had a
13 drought and that the possibility that the bats
14 migrate towards water. And from what I
15 understand -- and you can correct me if I'm wrong
16 because I don't know for sure -- but it's my
17 understanding that AMP has filed for a waiver where
18 they would not have to do that. And I would think
19 that that's an environmental issue right there to
20 begin with. And we want to make sure that we
21 follow rules, that we don't mess with the
22 ecological system, for one. That's my first
23 concern. And I would like to know whether or not
24 there has been a waiver and whether or not the
25 Siting Board has approved that waiver.

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1 My next concern is EMFs on the property. And
2 I would like to reference a video and it was on
3 Youtube. I didn't find the one that I had seen; I
4 think it was on Dateline or Nightline. But the
5 video refers to there were some people on the news
6 and they had high tension lines and they had
7 fluorescent bulbs and when they would point the
8 fluorescent bulbs up at the power lines the EMF
9 energy given off the power lines would light the
10 bulbs. There was also a statement in that
11 particular video saying there was a fellow that had
12 raised greyhounds for 40 years and since they had
13 those power lines there that he had 11 die of
14 cancer in the last few years. And I will refer
15 back to that. If you go on Youtube, if anybody
16 would be interested in this, it's called "Folks
17 Worried about High Tension Power Lines". And then
18 I guess the website that they have is
19 EMF-Health.com.

20 So, I'm concerned about the health risks that
21 they pose. And from what research that I found
22 there is increase in childhood leukemia. Now, I
23 know that there's controversial evidence whether
24 that is true or not, but they say that the
25 regularity, it's more prominent. It's like, for

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1 example, if anybody in here smokes or anybody in
2 here chews, you would see the federal warning
3 that's on the side of, it may cause cancer. It
4 doesn't say that it does cause cancer; it says that
5 it may cause cancer. That means not in all cases
6 will it. That's another one of my concerns. That
7 and the depreciation on property value.

8 I have recently had a realtor write me a
9 letter on what they said that they thought it would
10 do based upon the purchase price when I purchased
11 my property. And I gave \$120,000 for my property
12 about two years ago. This is Don Larison and here
13 is his letter. "Dear, sir, let me introduce
14 myself. My name is Donald D. Larison. I have
15 lived in the Felicity, Ohio, area all my life. I
16 have been selling real estate in Southern Clermont
17 County for 20 years and I have been the leading
18 agent in this area for the last ten years. I'm
19 very familiar with property values in rural areas.
20 The property has a beautiful rural setting
21 surrounded by valley, woods and pastureland. The
22 houses are very nice, 1950-square-foot brick ranch
23 with lots of character. It is my opinion that a
24 power line anywhere close to this property would
25 depreciate the marketability of the property. It

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1 is my experience that the vast majority of
2 potential buyers will shy away from property with
3 power lines. I would honestly predict that seven
4 out of ten potential buyers would look elsewhere.
5 And I truly believe from experience that the other
6 three would expect to pay 25 to \$30,000 less for
7 that property." Signed Donald Larison, agent,
8 Coldwell Banker.

9 So, basically that would reduce the
10 marketability of my place by about 70 percent. And
11 at the price that I had purchased at, which was
12 120,000, that I would sustain a loss of 25 to
13 30,000. Since I've been in that property I
14 recently received my appraisal. I had it appraised
15 and I got my appraisal today. I've increased the
16 value of my property to \$155,000 within two years'
17 time. And my big fear is since this power line is
18 going to be so close to my house -- if I'm correct
19 I think I'm the closest house to it, however it is
20 not on my property, but it's right across my fence
21 line, so it's going to affect my property value.

22 And also HUD actually has on their website
23 that they take that into account when they're
24 giving loans and they want to know the distance.
25 They have a link on there that is "Hazard and

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1 nuisances, overhead lights, transmission towers and
2 lines. If the dwelling or related property
3 improvement is located within such an easement the
4 DE underwriter must obtain a letter from the owner
5 and operator of the tower indicating that the
6 dwelling and its related property improvements are
7 not located within the tower's fall distance in
8 order to waive this requirement." So, before the
9 HUD, the government, will even loan on a house they
10 want to make sure the distance and stuff of the
11 transmission power lines.

12 And I also have another document saying how it
13 adversely affects the value of your property. I
14 would think that would be a good starting point for
15 my concerns.

16 ADMINISTRATIVE LAW JUDGE: Does that conclude
17 your comments?

18 MR. BROWN: I think so, ma'am.

19 ADMINISTRATIVE LAW JUDGE: Thank you,
20 Mr. Brown. Steve Hack, could you please state and
21 spell your name.

22 MR. HACK: H-A-C-K.

23 ADMINISTRATIVE LAW JUDGE: And your address.

24 MR. HACK: 2810, 2812, 2814 Bert Reed
25 Memorial.

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1 ADMINISTRATIVE LAW JUDGE: Would you please
2 raise your right hand.

3 (Witness duly sworn.)

4 MR. HACK: My speech is not near as precise as
5 Mr. Dwane. He's my neighbor, by the way. My
6 family purchased our farm, 2810, 2812, 2814 Bert
7 Reed Memorial, in October of 2006. This was a
8 40-year dream to own and live on a farm with other
9 family members. At that time we divided 44 acres
10 into four 11-acre tracts, all to be given to family
11 members, mother-in-law, brother-in-law, and a son.
12 At that time we installed septic systems, the sand
13 filtration systems, very expensive under Ohio
14 codes, underground electric, a raised foundation
15 for a large pole barn and a couple of driveways.
16 In essence we spent a lot of money to follow this
17 dream.

18 In the fall of 2010 we were notified of a plan
19 to run 80-foot power poles with lines through our
20 property. We had a brief meeting at our farm and a
21 walk-through with three representatives from the
22 power company. We have a recording of that
23 conversation. At that point they admitted to us
24 after the walk-through they had no idea we had even
25 started the development. We asked them if they

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1 would consider a land purchase of a piece of
2 property. Their answer was exactly, "No, we do not
3 purchase property; we lease it."

4 Recently I found out that they did purchase
5 two pieces of property adjoining ours within the
6 last three months, a piece of property owned by
7 Dixon, last name, and the other piece of property,
8 Mr. Lee. The Dixon property is behind ours, and it
9 was much more valuable to me to purchase that.
10 When we first purchased our land back in 2006 I
11 immediately contacted Lonny Dixon and asked him if
12 he ever decided to sell, to please let me know, I
13 would pay top dollar for that because I had all the
14 frontage and he had the back section. He agreed to
15 me probably three or four times since then in
16 different conversations that he would contact me.

17 I just found out probably Tuesday night of
18 this week that the power companies have purchased
19 both pieces of property. So, I see a problem there
20 in the fact that when I asked him in November of
21 2010 if they would be interested in purchasing our
22 piece of property, mainly ours, they said, "No, we
23 don't do that." Well, then they turn around less
24 than a year later and buy two pieces of property.
25 Not that that's a big deal, but it just shows me

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1 some credibility problems.

2 Anyway, I was willing to pay a lot more for
3 that land than Mr. Dixon received for the land.
4 Later we were notified that the power poles and
5 lines were going to be moved off of our property
6 onto the Dixon property behind us. Our property is
7 only 800 feet deep, although it is long, and I
8 guess I would say long and narrow. We will be
9 seeing these obstructions every day once we move in
10 and complete our construction. So, simply put, you
11 have ruined our 40-year dream as well as our
12 property value. That's all I have to say.

13 ADMINISTRATIVE LAW JUDGE: Okay. Thank you,
14 Mr. Hack.

15 MR. HACK: Thank you.

16 ADMINISTRATIVE LAW JUDGE: That concludes the
17 testimony of the persons who signed up on the
18 sign-in sheet. Is there anyone else here who would
19 like to testify?

20 MR. NUTLEY: My name is Bruce Nutley and I
21 represent 2646 U.S. Highway 52.

22 ADMINISTRATIVE LAW JUDGE: Could you spell
23 your name, please?

24 MR. NUTLEY: N-U-T-L-E-Y, Bruce and Anita
25 Nutley. And we have two proposed poles coming

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1 across U.S. Highway 52 --

2 ADMINISTRATIVE LAW JUDGE: Can I stop you for
3 just a moment?

4 (Witness duly sworn.)

5 MR. NUTLEY: Now, who are you? Are you a
6 representative of the Ohio Power Siting Board?

7 ADMINISTRATIVE LAW JUDGE: I am the
8 Administrative Law Judge. I will be presiding.
9 I've been assigned by the Ohio Power Siting Board.
10 I'm an Administrative Law Judge.

11 MR. NUTLEY: My concern is there are two poles
12 going on our property, Pole No. 10 coming across
13 U.S. Highway 52 from Mr. Eubank's property. Pole
14 No. 11 will be the last position before it goes
15 into Mr. Modder's (phonetic) property. We have
16 been very open with the Hamilton/AMP group. We
17 have allowed them to survey the property. We have
18 allowed them to lay out the route of the property.
19 And when the Ohio Power Siting Board was there
20 recently this past month I believe in September we
21 walked the area. There are a lot of cedar trees on
22 our property. These cedar trees are no more than
23 15 feet high. My comment -- I believe Mr. Botts
24 was there from the Hamilton power company, and this
25 area will be completely clear cut. I have a real

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1 concern about this because these trees will never
2 be within the reach of this power line supposedly.

3 My major concern, which I don't believe was
4 ever taken into consideration, is that our power
5 service to our house comes in off of Bear Creek
6 which runs underneath those power lines. We are in
7 the process of negotiating back and forth, but
8 these power lines according to national standards
9 will be 12 feet away supposedly. But they cannot
10 tell me about the survey within that line. The
11 height of the first pole I believe will be between
12 85 to 90 feet. The second pole will probably be
13 around 85 to 90 feet, as well, but there is a
14 concern of 135,000 kV coming across our existing
15 power lines. I am not in agreement to moving my
16 power lines to another area that removes our view
17 to the rest of the residue. That was the purpose
18 of our purchase of the property, of the view of the
19 Ohio River scenic valley. All of a sudden there
20 are issues as far as maybe they'll move those
21 lines. But I want that on the record because I'm
22 not in agreement with that process.

23 All right. I will be putting a gate up there
24 off of Bear Creek. It is an area where people can
25 drive back. I have a quarry on that area. The

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1 quarry, I have had people walking on unannounced
2 wishing to look for fossils. I have also had
3 people stop by and want to rappel. That's a
4 200-foot cliff, and we stopped that. So, I will be
5 putting a gate across that to stop the access to
6 where this easement is.

7 I've asked the Ohio Power Siting Board staff
8 when they were there if they can move it more west
9 where the area is on Bear Creek where it's already
10 cleared away from our driveway and the integrity of
11 our driveway. There was no comment. They said
12 they would bring it up at the meeting the 18th. I
13 believe it was a meeting for the decision. I've
14 asked them to move them even away from the
15 integrity of the hill to where there are some loose
16 rocks and no anchor. So far that is still back
17 into Hamilton's area of approval. I won't know any
18 more until Hamilton makes the decision and their
19 lawyers get together as far as that decision is
20 made.

21 As you can tell, we are not happy about this
22 power line. I watch them every day building and
23 dynamiting at the base of the 90 feet or 100 feet
24 on the other side. And I hear those trucks every
25 day dumping their rock over on the Kentucky side.

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1 The big thing that was brought up about Hamilton is
2 that they're going to build a park in Bracken
3 County, that Bracken County is going to have the
4 first park they've ever had. I really don't care
5 about that park. It's a fishing access. It's a
6 beach. So, do you think there's going to be that
7 much use of it?

8 And I would prefer that they move the route
9 more west to the alternative route which is 1 mile
10 longer for them to hang the lines, which does not
11 interrupt a lot of our properties where people live
12 and diminish our property values. And again this
13 will lower our property value. I am paying taxes
14 on it, they're not, and I have to end up living
15 there.

16 And, again, my concern is the potential for
17 cancer, which if you listen to anyone from Ham's
18 side or AMP's side, there's no proof that there is,
19 but all the people that's ever complained about
20 cancer are dead that have caused this. So, you can
21 get into litigation for years and if your money
22 runs out you're out of luck.

23 That's all I got to say.

24 ADMINISTRATIVE LAW JUDGE: Okay, thank you,
25 Mr. Nutley. Would anyone else like to testify?

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1 MRS. NUTLEY: Anita Nutley.

2 ADMINISTRATIVE LAW JUDGE: Same address?

3 MRS. NUTLEY: Yes.

4 ADMINISTRATIVE LAW JUDGE: Could you please
5 raise your right hand.

6 (Witness duly sworn.)

7 MRS. NUTLEY: Okay, I want to read something.
8 And this is about the proposed high power
9 transmission line on our property by the City of
10 Hamilton and American Municipal Power, now referred
11 to as "they". We do not want these poles and wires
12 on our property. We are told they will be on our
13 property close to our driveway and our property on
14 Bear Creek. We have a lot of cedar trees on Bear
15 Creek and our own little nature preserve. We've
16 got a variety of birds which includes bats and
17 bluebirds which live in our bluebird boxes. Deer
18 have a safe sanctuary and there are foxes,
19 raccoons, possums, skunks, and the normal animals
20 that live in the country. We were told all these
21 trees would be cut. In fact, the area would be
22 clear cut so there would be no interference with
23 the high power voltage wires. They say the poles
24 and wires are to be 100 feet high. Our highest
25 cedar tree is less than 15 feet, so why do they have

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1 to be clear cut?

2 They want us to sign an easement contract. We
3 have asked questions, how these high voltage lines
4 would affect our telephone, our internet, our cell
5 phone and our TV services. They say they are
6 within national standards. They plan on placing
7 their high voltage lines above our electric and
8 telephone lines. We ask how will this interfere
9 with our telephone service and what happens in case
10 of lightning strikes? Their answer is they are
11 within the national standards. We asked about the
12 noise from the high voltage lines and health risks
13 caused by living so close to these lines. There
14 answer is they are within the national standards.

15 We gave them permission to put a listening
16 device on our property for two days. We have not
17 heard what information was found and why they
18 needed to do that. If they have not received
19 approval for these high voltage lines from the Ohio
20 Power Siting Board why are they moving forward with
21 their work?

22 ADMINISTRATIVE LAW JUDGE: Does that conclude
23 your comments?

24 MRS. NUTLEY: Yes.

25 ADMINISTRATIVE LAW JUDGE: Thank you,

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1 Ms. Nutley. Would anyone else like to give
2 testimony?

3 MR. BROWN: I'd like to make another comment
4 for the record.

5 ADMINISTRATIVE LAW JUDGE: This is Mr. Brown,
6 for the record.

7 MR. BROWN: Yes, ma'am. In my way of thinking
8 since we don't know for sure where the power lines
9 are actually going, they haven't actually been
10 established, is this meeting not pointless to some
11 extent? Because some of our arguments wouldn't be
12 there if the lines would disappear.

13 So, I mean, we need to know exactly -- AMP has
14 never set in stone to say this is where we want
15 them to go, this is our final proposal where we
16 would wish for them to go. And that way
17 Mr. Nutley, Mr. Hack, myself, if they would take --
18 there is an open piece of ground further than off
19 the Dixon property. I want those power lines at
20 least 500 feet away from my house. Originally they
21 had stated that they would try to keep it as close
22 to the line as they could. And I had stepped it
23 off and measured it, and from the center of the
24 power line where they said they were going to keep
25 it it was still going to be 480 feet to my house.

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1 And I was hoping that it would be 500 feet. So, I
2 expressed my concerns to them. And they had
3 recently sent me a contract, which I won't accept,
4 and it was showing that their corridor was going to
5 move that up off of the fence at least possibly
6 250 feet. I mean, why would anybody in their right
7 mind sign a contract if you don't know what the
8 exact details of it are?

9 ADMINISTRATIVE LAW JUDGE: Does that conclude
10 your testimony?

11 MR. BROWN: I think so, ma'am.

12 ADMINISTRATIVE LAW JUDGE: Thank you. Is
13 there anyone else who would like to testify
14 tonight? This is Ms. Anita Nutley, for the record.

15 MRS. NUTLEY: Yes. In the first contract they
16 sent us, in the contract they wanted us to sign
17 where they could come and service the line,
18 relocate the poles, but they didn't say -- so, that
19 means they could relocate them anywhere on our
20 property? They are not being specific with what
21 they want.

22 MR. NUTLEY: Let me make a comment.

23 ADMINISTRATIVE LAW JUDGE: This is
24 Bruce Nutley, for the record.

25 MR. NUTLEY: Yes. Every time that we have

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1 dealt with any representative from Hamilton or AMP
2 for this process it has gone full circle. There is
3 nothing that comes back that says this is concrete.
4 They have moved them, they have changed the
5 structures, they have come in and specified there
6 will be anchors on our property. They have not
7 specifically said this is the proposed route, this
8 is the route that's going to be. They've only said
9 that basically it will be 125 feet width of
10 easement, but with the potential of coming back and
11 saying we can take more later. That's not what's
12 an agreement. But there is nothing that you've
13 ever can hold Hamilton/AMP their feet to the fire
14 with. And now the negotiations in some respects of
15 the seven proposed families involved in this --
16 there's only two I believe that's sold. There are
17 tentative agreements I believe for others.

18 They're bringing in the president of AMP to
19 negotiate for the purchase of this property, and I
20 believe it's trying to be done before they go to
21 your Ohio Power Siting Board and say we've got
22 75 percent of the people willing to put this power
23 line in. This is not the case. I have heard a lot
24 of comments about people being satisfied with it.
25 I've called Washington Township and they're under

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1 the impression that there is not a problem with
2 this. I believe there are other people within this
3 route that are not very happy with it. And please
4 look at me; don't look at them. They are not happy
5 with this route and they're trying to bring
6 everything voiced to you to make a proper decision.
7 Because this is our houses. This is our property
8 value.

9 I've continually heard how Hamilton or AMP,
10 whichever, is a nonprofit organization. I have not
11 really clarified what that means. Are they going
12 to pay taxes to the Washington Township which I
13 live in which I would benefit from fire and life
14 squad, or are they not going to pay taxes? To
15 Franklin Township, as well. But the concern is I
16 really don't care if they're nonprofit. The point
17 is that it's invading our property and there is an
18 alternative route that would cost them a little bit
19 more by taking it a mile further and through
20 non-residential, through woods, which they would
21 have to redo. But I don't think this is going to
22 be online until 2014, so they still have time to do
23 that.

24 ADMINISTRATIVE LAW JUDGE: Does that conclude
25 your testimony, Mr. Nutley?

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1 MR. NUTLEY: Yes.

2 ADMINISTRATIVE LAW JUDGE: Thank you.

3 Mr. Brown, did you have additional testimony?

4 MR. HACK: It's Hack.

5 ADMINISTRATIVE LAW JUDGE: I'm sorry,
6 Mr. Hack.

7 MR. HACK: That's okay. I'm a little
8 concerned here. I'm hearing one thing over here
9 and I'm hearing another thing over here. And I was
10 under the understanding that nothing was in
11 concrete at this time. Well, two pieces of
12 property have been purchased. Well, if it's not in
13 concrete at this time what are they doing buying
14 two pieces of property? And the two pieces of
15 property that have been purchased supposedly three
16 months ago, they're right next to me. Just kind of
17 a concern there.

18 ADMINISTRATIVE LAW JUDGE: Okay. Does that
19 conclude your statements?

20 MR. HACK: Again, I have a serious problem
21 with sincerity here.

22 ADMINISTRATIVE LAW JUDGE: Okay. Does that
23 conclude your testimony?

24 MR. HACK: (Nodding head.)

25 ADMINISTRATIVE LAW JUDGE: Thank you. This is

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1 Anita Nutley, for the record.

2 MRS. NUTLEY: Yes. I just want to again be on
3 record as why have they been working on this
4 project for a year and they don't have the approval
5 to do it? And now they are dynamiting and why
6 would they be doing that if they don't have the
7 approval? So, is it a given? They know they're
8 going to get it.

9 And then as far as them buying an easement,
10 they could offer us a million dollars, but it would
11 be there, those wires and poles and noise and
12 health risks would be there every day. We do not
13 want it on our property. We don't want their money
14 and we don't want their wires and them coming on
15 our property and telling us what they are going to
16 put on our property. That's all I have to say.

17 ADMINISTRATIVE LAW JUDGE: Thank you,
18 Ms. Nutley. Is there anyone else who would like to
19 offer testimony tonight?

20 MR. BROWN: I would like to have some
21 questions put on the record.

22 ADMINISTRATIVE LAW JUDGE: This is Mr. Brown,
23 for the record.

24 MR. BROWN: These were questions that were
25 originally proposed at the first public meeting

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1 that we've had and we never really did get answers
2 to them. And I've even discovered that the meeting
3 notes were at the public library, and that hadn't
4 been made public knowledge even though they were at
5 a public place, and I was the first one to get
6 those records.

7 Some of the original questions I had at that
8 meeting were what are the health hazards living
9 next to high voltage transmission towers? And as
10 Mr. Nutley said, if you're taking the Hamilton/AMP
11 side, supposedly there are none. However, if you
12 get on the internet and you start doing this
13 research it's a different story.

14 I asked what is the minimum distance that a
15 high voltage transmission tower has to be from a
16 residence. I never got a definite answer on that.
17 Supposedly one of AMP's representatives,
18 Mr. Perrino, said, "Since it's not zoned out there,
19 if we wanted to we could run it over top of your
20 house, but we wouldn't."

21 I asked who will replace the road from damage
22 due to construction and who will pay for it. Never
23 got a definite answer on that. I asked what the
24 average amount of depreciation on property from
25 transmission towers installed and will the land

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1 owners be reimbursed. I never got an answer to
2 that. So, that's the reason I went to my realtor.
3 I asked if they would be will willing to buy your
4 property for fair market value and, as Mr. Nutley
5 and Mr. Hack can attest, they said they weren't
6 interested in buying property. I asked what
7 voltage the lines would carry and would the amount
8 of voltage being carried change, because that would
9 change the health risks depending on the voltage
10 actually going through the lines. I asked when the
11 construction would actually start on the Ohio side.
12 Never got a definite answer on that. I asked where
13 the original meeting was advertised at, how it was
14 made public knowledge. And I do have to commend
15 for the fact that we did actually get a letter this
16 time for the meeting. I do have to commend them
17 for sending us a letter at this time.

18 And I also asked how many local permanent jobs
19 will this create. They didn't give me an answer at
20 the meeting on that one. There's not going to be
21 any local jobs on this side of the river. And I
22 asked if local people have first priority for
23 hiring, and I didn't get an answer on that. I
24 asked how the tax revenue will be distributed
25 between Franklin and Washington Township. From

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1 what I understand, that's still not answered yet.
2 Those were my original questions that I still don't
3 have answers to.

4 ADMINISTRATIVE LAW JUDGE: Thank you,
5 Mr. Brown. Does that conclude your testimony?

6 MR. BROWN: I think so, ma'am.

7 ADMINISTRATIVE LAW JUDGE: Thank you. Is
8 there anyone else in the audience that would like
9 to offer testimony? The record will reflect this
10 is Anita Nutley for the record.

11 MRS. NUTLEY: When we had a meeting with
12 Mr. Perrino he was saying he couldn't understand
13 why he wasn't getting cooperation from home owners.
14 I asked him specifically, "Would you want this in
15 your back yard?" And he says, "Well now, well." I
16 said, "Just yes or no, would you want these high
17 voltage wires in your back yard?" And he said,
18 "Well, I guess I wouldn't." That's all I have to
19 say.

20 ADMINISTRATIVE LAW JUDGE: Thank you,
21 Ms. Nutley. Is there anyone else in the audience
22 who would like to offer testimony tonight? Could
23 you please state and spell your name.

24 MR. GRIFFITH: Robert Griffith, R-O-B-E-R-T
25 G-R-I-F-F-I-T-H.

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1 ADMINISTRATIVE LAW JUDGE: And could you
2 please give your address.

3 MR. GRIFFITH: 3592 Park Place, Felicity,
4 Ohio.

5 ADMINISTRATIVE LAW JUDGE: Could you raise
6 your right hand.

7 (Witness duly sworn.)

8 MR. GRIFFITH: My name is Robert Griffith.
9 I'm a Franklin Township trustee. And Franklin
10 Township has a few questions that we would like
11 answered on record. We would like to know what the
12 cost of the -- total cost of assets that will be
13 grounded or ran through Franklin Township when this
14 is expected to go on line. We have seen some plans
15 and a few things about a possible road, a short
16 road maybe to the switch gear. We'd like to know
17 if this road is going to be a private road, if this
18 road would be eventually a public road. If it is
19 kept private and locked we would like some answers
20 of how we can communicate as far as emergencies.
21 These are a few general questions that we would
22 like some answers. That's all I have.

23 ADMINISTRATIVE LAW JUDGE: Thank you,
24 Mr. Griffith. Is there anyone else in the audience
25 who would like to offer testimony tonight? Okay,

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1 hearing none, I would like to thank everyone for
2 coming here this evening. I would encourage the
3 representatives of the company to stick around for
4 a few minutes to answer questions. And
5 Mr. Schilling and I will also remain for a few
6 moments to answer any questions about the procedure
7 that you might have. So, thank you for coming and
8 have a nice evening. We'll go off the record.

9 (PUBLIC MEETING CONCLUDED AT 6:50 P.M.)

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CERTIFICATE OF REPORTER

STATE OF OHIO)
)
COUNTY OF HAMILTON)

I, KELLY A. GRAFF, court reporter, do hereby state that I was authorized to and did stenographically report the foregoing proceedings; and that the transcript is a true and complete record of my stenographic notes.

Dated this 26th day of October, 2011.

KELLY A. GRAFF
Court Reporter

Sworn to and subscribed in my presence by Kelly A. Graff this 26th day of October, 2011. Signatory is personally known to me.

JANET L. ATKINS
Notary Public - State of Ohio
My commission expires _____

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