

BEFORE THE OHIO POWER SITING BOARD

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In the Matter of the :
Ohio Power Siting Board's :
Review of Chapters 4906-1, :
4906-5, 4906-7, 4906-9, : Case No. 12-1981-GE-BRO
4906-11, 4906-13, 4906-15, :
and 4906-17 of the Ohio :
Administrative Code. :

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PROCEEDINGS

before Ms. Katie Stenman and Mr. Bryce McKenney,
Hearing Examiners, and Ms. Kim Wissman, at the Public
Utilities Commission of Ohio, 180 East Broad Street,
Room 11-B, Columbus, Ohio, called at 10:00 a.m. on
Monday, August 13, 2012.

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Monday Morning Session,
August 13, 2012.

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EXAMINER STENMAN: Good morning. We're here for the workshop in In the Matter of the Ohio Power Siting Board's Review of Chapters 4906-1, -5, -7, -9, -11, -13, -15, and -17 of the Ohio Administrative Code, case No. 12-1981-GE-BRO.

My name is Katie Stenman, and with me is Bryce McKenney, and we're the attorney examiners assigned to moderate this workshop. Also with me is Kim Wissman of the Ohio Power Siting Board staff.

Before we get started today I'd like to give a brief overview of why we're here, what we're hoping to accomplish, and also to lay out a few ground rules for this workshop.

The workshop is being held in response to both the passage of Senate Bill 315 and also the issuance of the Common Sense Initiative as well as updates to Section 121.82 of the Revised Code which require the Board to evaluate its rules against a business impact analysis and provide such an analysis to the Common Sense Initiative office. In incorporating the CSI requirements in our rule review the Board has determined that a workshop is

appropriate.

The purpose of this workshop is to get your feedback on the current state of the rules, although staff will outline some of its proposals and changes to the rules. I want to emphasize that this is also your opportunity to share any proposals you may have.

As always is the case, the Board will issue a proposed set of rules for comment and reply comment after the conclusion of this workshop, that will be forthcoming after we receive the transcript and make any necessary edits.

While you probably noticed that there is a court reporter today and this session is being webcast, any proposals you make today will not be considered binding. Your first set of actual recommendations will come in your comments.

If you have a comment, question, or concern you want to raise today, please raise your hand. We do have a floating microphone that will be moving around. The podium is also available if anyone wants to make a longer statement and wishes to utilize it.

When you do give a comment and each time you comment please give your name and organizational

1 affiliation for clarity of the record.

2 We will outline a few proposals for you
3 and then at the conclusion of those proposals we'll
4 give you an opportunity to add any additional
5 comments you may have on the current state of the
6 rules. And we have a decent size audience today so
7 please limit your comments to a reasonable length.

8 Are there any procedural questions before
9 we get started?

10 All right. Hearing nothing else, I just
11 want to start us off by letting you know that it is
12 the Board's plan to clarify the procedural rules to
13 create some structural consistency with what the
14 Commission has and also to make them a stand-alone
15 set of rules so that there will no longer be a need
16 to reference Commission rules in Board proceedings,
17 that would also include adding some provisions for
18 e-filing similar to what's in the Commission's rules
19 already. So it will really just be a transposition
20 of some of the Commission provisions into Board
21 provisions.

22 And, with that, I will turn it over to
23 Ms. Wissman.

24 MS. WISSMAN: Thank you, Katie.

25 Katie had mentioned 315. Our JCARR

1 five-year review was actually up next year and
2 because we have to make changes for 315 anyway, we
3 are doing our five-year review as well as the 315
4 changes that are necessary as a result of the passage
5 of the law.

6 We are also looking at other changes
7 that -- ideas that you folks give us as well as
8 things that we have come up with to improve
9 efficiency and try to reduce costs.

10 315 had outlined more specifics on the
11 definition of gathering pipelines and what types of
12 major utility facilities would be eligible for an
13 abbreviated review process. Because of these changes
14 we anticipate a new simplified matrix in section
15 4906-1.

16 Recognizing that the law is going to be
17 effective in September and we're not going to have
18 our rules done till later this year, we do intend to
19 issue a Board order in the near future to clarify how
20 we will handle these cases in the interim.

21 We'd also like to reduce the number of
22 full applications that applicants are required to
23 provide on filing. We're not ready to eliminate
24 paper filings, but we believe that we can
25 significantly reduce costs by reducing the number of

1 full applications required by using digital copies
2 when appropriate.

3 We also, finally, believe that the
4 current rules make it difficult for applicants to
5 understand the mapping requirements for applications,
6 we get a lot of questions on that, so we do hope to
7 clarify and simplify that.

8 Are there any questions with the general
9 changes?

10 EXAMINER STENMAN: Does anyone have any
11 additional comments on the rules? This is sort of
12 your opportunity to comment on any of the proposals
13 you've heard and, also, if you have any comments on
14 the current state of the rules.

15 Can we get a microphone over here.

16 MR. KRAUSS: Good morning. I'm Ted
17 Krauss with FirstEnergy Service Company.

18 Just a couple of suggestions. In the
19 matrix, Appendix A, regarding substation expansions,
20 we've had a couple of recent projects where we've
21 added additional transmission facilities to
22 distribution substations requiring the submittal of
23 an application.

24 We're thinking that perhaps if those
25 could be submitted under a construction notice or a

1 letter of notification filing for an expansion of an
2 existing transmission substation type of concept, it
3 might simplify the process for low-impact projects.

4 Specifically regarding the existing item
5 (8) of Appendix A, something along the wording of the
6 following might work: Constructing additions to
7 existing electric power transmission substations, and
8 constructing additions to existing distribution
9 substations to add transmission substation functions
10 where (a) There's a 20 percent or less expansion of
11 the fenced area, and (b) There is a greater than
12 20 percent expansion of the fenced area.

13 I think that would give us considerable
14 flexibility. And for a project that would
15 potentially have substantial impact, the Board's
16 staff could always kick that up to an application.
17 So I think it gives both the applicants and the staff
18 some very good flexibility.

19 Regarding the mapping concept, I think
20 one thing that might be helpful is currently
21 applicants propose, essentially, a centerline
22 alignment of the routes, but it's based on rather
23 high-level information, and I think the rules as they
24 exist today are based more on paper mapping.

25 But currently present actual data that we

1 work with today is based on a lot of the geographical
2 information system type of data, and when you put
3 that together on current mapping, it may not be as
4 accurate as it appears to be.

5 Possibly the biggest headache that we've
6 experienced is in relying on property line locations
7 from the county auditor data that appears to be very
8 accurate but in reality might be 100 feet off in one
9 direction or another.

10 I think having some provisions in the
11 rules to define how that route location is defined
12 from a procedural point of view and then how it's
13 actually defined later on as the applicant develops
14 the detailed engineering of the project might give us
15 a little bit more flexibility both in the review and
16 eventual construction of the project.

17 So more of the concept of approving a
18 corridor based on the mapping and procedural process,
19 but a little bit more flexibility to recognize that
20 actual details based on wetlands, stream locations,
21 and property lines is a lot more involved than what's
22 in the application.

23 One other thing that I think might
24 simplify the process, and we've requested this on a
25 couple of recent projects, the wetland and stream

1 information, that type of reporting that we're
2 providing in applications is typically quite large.

3 I think we had one project where -- who
4 would have included it in every application that we
5 produced, it was in the range of a couple hundred
6 thousand pages of documents, not reached application,
7 but for -- on a particular project where we're
8 serving in excess of a hundred applications on local
9 officials it becomes quite large. And we were
10 granted the opportunity to include that in the
11 applications in an electronic format.

12 Ideally, if we could include that as an
13 option for applicants on every project, I think that
14 might simplify the process. So the volume of the
15 reports for wetlands, archeology, any of those
16 things, if we could submit them electronically,
17 include that in the application, and then provide
18 staff with a reasonable number of paper copies I
19 think would be more efficient.

20 And one final comment. In recent years
21 the process for paying for the fees associated with
22 the review of construction notices and letters of
23 notifications has started to be a little bit more
24 complicated, I think, for both the staff and the
25 applicants in the sense that we're starting to see

1 invoices on almost an annual basis on those simple
2 filings.

3 In the past, say five years ago, it would
4 have been a simple one invoice two or three years
5 after the project was placed in service. It appears
6 now that on some projects there will be a invoice
7 payment every couple of years based on the project.

8 I'm wondering if perhaps providing the
9 applicant with the ability, as an option, to provide
10 a payment up front with the construction notice and a
11 letter of notification submittal might make it easier
12 for everybody.

13 The Board would still have the ability,
14 if there were additional costs, to provide invoices,
15 but it would provide a one-time payment -- an initial
16 payment, essentially a budget as such, and then there
17 wouldn't be the annual invoices unless the costs
18 exceeded that initial payment.

19 And I would think somewhere in the range
20 of a \$2,000 payment up front might be enough to cover
21 the typical simple construction and letter of
22 notification review process.

23 And then when the entire process was
24 complete, after the two-year window for the Board's
25 final review of the project after it's constructed,

1 whatever fees that are paid in excess could be
2 provided back to the applicant at that point.

3 Thank you.

4 EXAMINER STENMAN: Thank you.

5 MS. WISSMAN: Could I get some
6 clarification from Ted --

7 EXAMINER STENMAN: Sure.

8 MS. WISSMAN: -- and comment.

9 Ted, thank you very much. Those are good
10 suggestions. The substation issue is something that
11 is on our minds and we look forward to working some
12 changes out there.

13 The mapping concept, while we are aware
14 of the magnitude of the problems with the accuracy of
15 the maps, I believe that a corridor approval is going
16 to be difficult.

17 Our understanding is that the law
18 basically says that we would -- the Board approves a
19 centerline, and to provide that flexibility I think
20 may cause some more problems down the road. As the
21 court decision in the Buckeye case clearly said, that
22 there's too much flexibility and not enough certainty
23 in the Board certificates, if you will. So that
24 might be a little difficult, but we can certainly
25 look at something there.

1 The wetlands/stream information, that's
2 exactly what we were trying to get at is trying to
3 reduce the number of full applications. We always
4 send all of our agencies a full application with all
5 the appendices. Obviously the wetland information,
6 it's not something that the Department of Health
7 needs, so we are certainly looking at reducing the
8 number of copies for that and going to electronic
9 copies as we can.

10 We're also working with our IT department
11 to try to increase the capacity, if you will, to make
12 electronic filings, which has been a very difficult
13 issue with siting filings because of the engineering
14 drawings and the maps.

15 And, lastly, the process for paying fees,
16 we will take a look at that. We actually have
17 changed that in recent years because, from our
18 perspective, it's actually easier, to the extent that
19 we overcharge or undercharge, rather than bill on a
20 billable hour basis as we do, we have to go to the
21 controlling board every time there is some deviation,
22 which is something that we don't like to do unless we
23 have to. But we'll take a look at the billing
24 process and see if there's improvements there.

25 MR. KRAUSS: And if I may, I thought of

1 one additional comment. One other issue that we've
2 come across lately is filing critical energy
3 infrastructure information that we would typically or
4 almost always file under seal, and what's been
5 happening in recent cases in those filings is there's
6 been a three-year time limit set on the release of
7 that information. I think I'm beginning to wonder if
8 a three-year time limit is really appropriate.

9 I think our preference would be to see it
10 submitted under seal and remain under seal rather
11 than it being released sometime later, so if that
12 could be addressed as well. More from dealing with
13 some of the other regulatory agencies where we're
14 required to keep information under seal. And I think
15 if you think about it from a terrorist point of view,
16 whether or not it's, you know, applicable today
17 versus three years in the future it's, unfortunately,
18 data that we would just assume not have out in the
19 public domain even three years or ten years out.

20 Thank you.

21 EXAMINER STENMAN: Thank you.

22 Any other comments?

23 MR. SATTERWHITE: I'm not sure if you
24 want overall. I wanted to add something --

25 Matthew Satterwhite from Ohio Power,

1 sorry.

2 -- add something to the last point on the
3 protective orders and confidential information.

4 I think we've run across a problem trying
5 to protect information because the way the rules are
6 currently written, they deal with discovery versus
7 just a general protective order rule. So I think you
8 could develop that kind of information for maybe a
9 caveat for critical infrastructure but also a
10 stand-alone rule on protective orders like the
11 Commission has I think would be useful.

12 EXAMINER STENMAN: Anyone else?

13 MR. MESSERSMITH: Good morning. My name
14 is Mark Messersmith. I'm with Dominion, and I
15 represent the Ohio Gas Association.

16 We have a couple of suggestions, the
17 first would be under chapter 4906-01, Appendix B, we
18 suggest simplifying the entire matrix into basically
19 six categories. To summarize, two categories we
20 suggest keeping the same because the Senate Bill 315
21 didn't really change those requirements. The
22 compressor station and the projects required by
23 public funding we suggest would be the same.
24 Compressor station addition under an LON and under --
25 publicly funded entities would be under construction

1 notice.

2 We suggest for other gas projects under
3 Appendix B all projects of equal to 1 mile or less
4 would be a construction notice. We suggest that all
5 projects greater than 1 mile, equal to or less than 5
6 miles, be a letter of notification.

7 We suggest that all links where the
8 project is required by a publicly funded entity would
9 be a letter of notification, again, that would come
10 right out of the 315 language.

11 And, finally, projects greater than 5
12 miles that would not be listed in one of the other
13 categories would still be a full certificate.

14 Another change we would like to propose
15 and suggest is, again, under 4906-01, under the
16 Definitions section, this would be letter (N). We
17 would like to make two suggestions to that particular
18 part.

19 First, we would like to add two words in
20 the second line, that replacements of an existing
21 facility with a like facility means replacing an
22 existing major utility facility, or facilities --
23 that would be a suggestion we would make, "or
24 facilities."

25 The reason is we've run into situations

1 where we replace actually two pipelines with a single
2 pipeline of similar utility or similar function. We
3 believe the impact on the public is actually less by
4 replacing, for example, a 10-inch and a 16-inch
5 pipeline with a single 20 really represents less of
6 an impact, so we believe it should be treated as a
7 like facility.

8 We would also like to add a second
9 sentence to part (N) which would read: When a pipe
10 size is increased to only to standard industry size
11 availability, the installation shall be treated as a
12 like facility.

13 Again, in replacement situations with gas
14 companies in Ohio some of the pipes that were used
15 over the years, 14-inch, for example, or 18-inch, for
16 example, are not readily available in the market, so
17 rather than paying the cost for a special order, in
18 some cases we would like to replace a 14-inch, for
19 example, with a 16-inch, or an 18-inch with a
20 20-inch, strictly to achieve that standardization.
21 And we would like to suggest that that also be
22 included as a like facility under definition (N).

23 The last part we had is the next
24 definition, (O). We would like to delete the first
25 sentence which begins with "Substantial addition."

1 We believe it doesn't really add anything and it's
2 redundant, and we believe that the new rules would
3 really cover that.

4 However, we do recognize that the second
5 sentence beginning with "Construction necessary"
6 should still be there and constitute letter (O).

7 MS. WISSMAN: Mark, can I get some
8 clarification, please.

9 MR. MESSERSMITH: Sure.

10 MS. WISSMAN: Those first two
11 suggestions, I guess I'd like clarification. You
12 still would not be opposed to the staff recommending
13 that it be bumped up to a full application provided
14 that the impacts were not minimal or benign; is that
15 true?

16 MR. MESSERSMITH: Yeah, Kim, that's our
17 understanding on all of our applications. If there's
18 particular issues with the public, it could be bumped
19 up. Our goal is to work with the staff and to
20 minimize the public impacts so we -- and to
21 streamline the process. But, yes, we would
22 understand that.

23 MS. WISSMAN: Okay. And that's true for,
24 I guess I would expect that to be true for the second
25 thing too, to replace two facilities with a single

1 one, or -- I guess I'm more concerned about the
2 second request there due to the nonavailability and
3 the cost because if you are going to a larger pipe
4 size, obviously, you're going to need to look at
5 potentially more right-of-way and impact landowners.

6 And anytime a landowner is impacted, we
7 get concerned about due process, and the LON process
8 is, you know, it's not near as public as our
9 full-blown application, so anytime a landowner is
10 impacted including an increase in the right-of-way
11 we, you know, get a little concerned about that. So
12 we'll take it under consideration.

13 MR. MESSERSMITH: We understand. And,
14 again, just to reiterate, I guess our position would
15 be that increasing just one diameter size up is not a
16 significant increase, and it's strictly for sizing.
17 So we believe that the impact would be very similar
18 to replacing it with the existing nonstandard size.

19 MS. WISSMAN: Thank you.

20 EXAMINER STENMAN: Any more comments?

21 This is your last opportunity.

22 MR. SATTERWHITE: Sorry. Matt
23 Satterwhite, Ohio Power.

24 Do you mean -- are we going rule by rule,
25 or are you asking for comments overall?

1 EXAMINER STENMAN: Comments about
2 anything. Anything in the current rules.

3 MR. SATTERWHITE: Okay.

4 EXAMINER STENMAN: Uh-oh.

5 MR. SATTERWHITE: It's really not that
6 bad, just so I can put stuff down.

7 I'm not sure, and I think this is part of
8 the process where staff and the Board will want to
9 figure out exactly how they're going to use the new
10 statute and the application of sort of the
11 accelerated process.

12 You know, one theory is it gives further
13 justification of what the Board already had for
14 construction notices and letters of notification.
15 Another theory is that it's a whole new subset. It's
16 something in between those. You can take a full
17 application, but you have a more abbreviated process
18 for that whole application.

19 If we're going that route, I think
20 4906-5-05 that talks about completeness of
21 certificates, we already have exception in the rules
22 for coal development projects.

23 I think everything that fits within 315
24 could also be added to that rule so that you get sort
25 of -- you jump to being considered quicker, which is

1 what the statute intends. So I think it fits under
2 that rule as well, and it could be put within that
3 rule to deal with other projects in the past that the
4 Board has recognized need to move a little quicker.

5 These all seem like minor things when I
6 sit here and, you know, we can give copies of this
7 stuff when we do some of the rules, but 4906-5-08
8 deals with public notice. It seems like if you have
9 a big project or a long transmission line, we try to
10 comply with the rules. We overcomply is how we look
11 at it.

12 So it talks about newspapers, plural, and
13 you can go through some areas that might be covered
14 by a very large newspaper, but there's, you know,
15 Zeke's Weekly Times and these kind of things that are
16 valid newspapers, but they're published once a month
17 maybe, or something's published every two weeks, and
18 we try to get into everything so everyone can see.

19 But I don't think that's the intent of
20 the rule. I think that could be changed by -- the
21 rule says utility facility "in newspapers off general
22 circulation." I think "a newspaper of general
23 circulation" or just something so that the rule is
24 clear that means to cover people in the area, but not
25 necessarily, you know, the high school newspaper and

1 stuff that might be listed in that area.

2 Sorry, I'm being -- trying to be funny
3 there. It wasn't funny.

4 We talked about discovery a little bit.
5 In the discovery rule is the way that you can protect
6 documents. Obviously, part of applications have
7 critical information so you're kind of not sure what
8 to follow, and there are some different rules from
9 the Commission and the Board, but I think you already
10 have those in mind.

11 4906-7-16, I've not seen an ALJ report
12 for a while. I'm not sure if those still come up;
13 you would know better than I would, but I'm not --
14 maybe we need to revisit that and see how important
15 that rule would be.

16 We talked a lot about the mapping. I
17 think we have a lot of concerns and, obviously, I
18 understand because there's official maps that the
19 state relies on, there's maps that the companies rely
20 on, somehow in the middle we have to figure out how
21 we can have accurate information so the Board has the
22 best information and that the companies aren't
23 operating off different mapping because that can lead
24 to problems too, which I've seen.

25 On site alternative analysis, 4906-13-03,

1 both 13-03 and 15-03 talk about the final ranking of
2 the different site analysis. I think if you look
3 through the rules, there's a lot of information
4 developed on each site, and I've been in some cases
5 where an actual ranking of that has led to some
6 problems and some misunderstanding from community
7 members about how you rank them.

8 You can rank something a lot of different
9 ways. There's a lot of different elements that go
10 into how you rank them, and all that information is
11 explained, but it seems like all the public ever
12 looks at is: This was 1, this was 2, and this was 3,
13 2 is not near me so that's the one you must have to
14 go with, and here's why 1's bad instead of 2, and
15 they never really look at all the information that
16 supports that.

17 Obviously, that's in there and the Board
18 can vet through all that, but I think a lot of what
19 we do and what the Board has to do is really deal
20 with the expectations of the community, and when you
21 have that simple thing, it seems to be a lightning
22 rod that always seems to raise questions. So I think
23 we can take that out and still have the information
24 without that simple point.

25 John, did you have other points? I know

1 there's more technical points that if I explain, will
2 not have any credibility.

3 MR. HEPNER: Sure. These are just minor
4 little things. John Hepner, transmission line, AEP.

5 We just have -- I've got to put my stuff
6 down here too. We'd like to get -- I apologize. We
7 had all these things jump back and forth here a
8 little bit.

9 Oh, I know, the letter of notification.
10 There's a map required in the letter of notification
11 that refers to our latest long-term forecast report
12 map, and when you try to put that in a report to show
13 a small project, it's of little value. We'd just
14 like to take that requirement of having our long-term
15 forecast report taken out and just submit that with a
16 regular map of the area of our facilities.

17 In the letter of notification is
18 always -- there's a requirement in (B)(6) that we
19 provide the staff with clearly written instructions
20 for locating and reviewing the facilities. This is
21 another one we'd just like dropped out with
22 today's -- all the internet access maps, that the
23 staff doesn't really need written instructions, they
24 can just do it themselves. I think most of them can
25 find the area in the state, it's just as easy without

1 that requirement. This is just a simple way to
2 simplify the rules and take some words out.

3 I think you covered value options site.

4 There's another one in there. We have a
5 revision for -- a requirement for a soil map. That
6 may have been of value in the past. Today I don't
7 think anybody is using it. I think it's something
8 that should be completely dropped. The staff can
9 decide whether it's of value to them.

10 A lot of these things are going through
11 urban and suburban areas and the soils map have no
12 meaning. So it's another way the Board can simply
13 simplify the rules by dropping the requirement.

14 I think that's all we have.

15 Oh, the 25 copies. I think we're just
16 supporting the fact that we've got to reduce the
17 numbers of copies that are being submitted, and I
18 think that's been brought up in the past, that we
19 just limit the number of hard copies, and I think
20 that's what the Board is shooting for anyhow.

21 MR. SATTERWHITE: Matt Satterwhite again
22 from Ohio Power.

23 The other thing I thought of, and I don't
24 know if this is more rules or, just talking with
25 Chris Pirik about this, if it's a process question,

1 it seems like when staff reports come out and then we
2 have public meetings and then we have hearings, and
3 we're always interested to getting to hearings as
4 quickly as possible, but there's a sensitivity to
5 talking with the intervenors before all the public
6 meetings are done.

7 We want to make sure we have all public
8 input, we do as well as the Board does. Sometimes
9 there's an issue -- we don't want it to appear that
10 there's some process going on without the public's
11 input fully vetted.

12 But it feels like we have the public
13 hearing and then the actual evidentiary hearing is
14 like two days later, so there's a rush by the
15 companies to put all of this testimony in that might
16 be, I won't say "attacking" staff, but criticizing
17 some of the points that staff might have made which
18 maybe isn't very fruitful.

19 Maybe a little bit of time delay between
20 when the public hearing is and when the timelines are
21 for the actual evidence to come in so we get the full
22 public comments and then we have the ability to talk
23 with the intervenors before parties have to take
24 litigation positions, which sometimes beholden people
25 to their position, I think might be a good -- I don't

1 know if that's a rule. That might just be a process
2 thing that we can talk about.

3 The other point, when I talked about
4 adding accelerated projects to sort of the exception,
5 like the coal projects, I think there's a question
6 about when an application's actually submitted so it
7 would have to be cleared up for accelerated projects.

8 I don't think, when you have a 90 day
9 time period, that you need a 60-day window to have
10 something approved to be submitted. I think we can
11 have a rule maybe where if it's going to be an
12 accelerated project, maybe the requirement, or a
13 company can choose to have a premeeting with all the
14 different members of the staff and have a general
15 meeting to go over all aspects of it so that staff
16 gets a look ahead of what's coming in before
17 something is actually filed.

18 That's probably good practice in any
19 case, but I think in order -- maybe it's a
20 requirement to take advantage of the statutory
21 provision for the accelerated process, to put that
22 hard wired in the rules so companies come in and
23 staff has a full chance to look at stuff before they
24 get it formally. Thank you.

25 MS. WISSMAN: Matt, a premeeting is good

1 practice in any project.

2 MR. SATTERWHITE: Yes.

3 MS. WISSMAN: I think the staff can't
4 preach that enough to applicants, that we really need
5 to know what you're looking at, and it certainly
6 helps us to process things if there are no surprises.

7 Relative to John's comments on some of
8 the mapping that is required in the LONs, we'll take
9 that under advisement, but we do use our maps. And
10 one of the critical issues is, again, due process and
11 the availability to the public.

12 Even if, you know, you think that the
13 staff can do their own mapping, well, we are capable
14 of doing our own mapping, but we do use the maps and
15 the fact that they're in the applications that are
16 filed make them accessible to others rather than, you
17 know, wait until a staff report or staff comments are
18 out there, so that's a concern.

19 And I did note your comment on the
20 newspapers, and I think, Matt, that's a great idea.
21 I think we should get the younger generation involved
22 and require that in high school newspapers.

23 MR. SATTERWHITE: Now I'm in trouble.
24 Great. It figures.

25 On the point about stuff public --

1 available for the public, I think all the companies
2 would agree we have a lot of technological
3 advancements that we can use as well, so we can
4 partner with the Board and the staff to make things
5 available in the easiest way possible.

6 Not everyone has access to the web, we
7 understand that, but we can put a lot of stuff on our
8 website so the public can see it. We can sort of be
9 a partner in that endeavor to make sure the public is
10 as educated as possible and make stuff available to
11 individual people. If it makes it easier for the
12 Board that way, I think all the companies would be
13 willing to do that.

14 EXAMINER STENMAN: Thank you. I think we
15 had another comment over here.

16 MR. KRAUSS: Ted Krauss with FirstEnergy
17 Service Company.

18 I have one additional comment. Regarding
19 the due process for letters of notification and
20 construction notices if there would be intervention.
21 Over the years the discussions with the Siting Board
22 staff has always been that if that was the case, and
23 luckily I've not been involved with one of those, but
24 if there was intervention for that type of project,
25 the staff would suggest that the applicant withdraw

1 the construction notice or letter of notification and
2 resubmit the project as an application filing.

3 Rather than taking that approach, and
4 especially with the Senate bill being passed, I
5 wonder now if there would be more flexibility from a
6 due process point of view of if there is intervention
7 for those lesser filings, that, rather than
8 resubmitting the project as an application, that the
9 process for public involvement shift to the
10 application process which would give the
11 administrative law judge more flexibility to schedule
12 public and adjudicatory hearings, go through
13 discovery and things like that.

14 Rather than requiring the applicant, for
15 a relatively simple project, to develop a more
16 complex application, essentially proposing the
17 similar project or identical project that was first
18 submitted in the construction notice or letter of
19 notification. Thank you.

20 EXAMINER STENMAN: Thank you.

21 There's one behind you.

22 MR. GRISET: Hoby Griset from Utilities
23 Technology International.

24 Under the Definitions in 4906-01, Major
25 utility facility, (B)(1)(c), among other things it

1 defines a gas pipeline as a major utility facility if
2 it's designed for transporting gas at a maximum
3 allowable operating pressure in excess of 125 pounds
4 per square inch.

5 We have assumed that the maximum
6 allowable operating pressure would probably match up
7 to what we have used in the industry since the gas
8 pipeline safety rules were created in 1970. It's not
9 entirely clear, though, from the definition here, and
10 maybe some clarification would help on that.

11 Again, our assumption would be that it
12 would be the same maximum allowable operating
13 pressure as defined in 49 CFR part 192, clarification
14 may help with that, though.

15 EXAMINER STENMAN: Thank you.

16 Anyone else? This is your last shot.

17 Hearing no other comments,
18 recommendations, or concerns, I would like to take
19 the opportunity to thank you all for your
20 participation today and this will conclude our
21 workshop. Thank you.

22 (The workshop concluded at 10:37 a.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 Monday, August 13, 2012, and carefully compared with my original stenographic notes.

Maria DiPaolo Jones, Registered
Diplomate Reporter and CRR and
Notary Public in and for the
State of Ohio.

My commission expires June 19, 2016.

(MDJ-4056)

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Summary: Transcript in the matter of the Ohio Power Siting Board's Review of Chapters 4906-1,4906-5,4906-7,4906-9,4906-11,4906-13,4906-15 and 4906-17 held on 08/13/12 electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Jones, Maria DiPaolo Mrs.