

BEFORE THE OHIO POWER SITING BOARD

- - -

In the Matter of the :
Application of Carroll :
County Energy LLC for a :
Certificate of Environmental :Case No. 13-1752-EL-BGN
Compatibility and Public :
Need to Construct an :
Electric Generation Facility :
in Carroll County, Ohio. :

- - -

PROCEEDINGS

before Ms. Greta See, Administrative Law Judge, at
the Public Utilities Commission of Ohio, 180 East
Broad Street, Room 11-C, Columbus, Ohio, called at
10:06 a.m. on Thursday, March 13, 2014.

- - -

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On behalf of Carroll County Energy LLC.

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On behalf of Washington Township.

Mike DeWine, Ohio Attorney General
Public Utilities Section
By Mr. William L. Wright, Section Chief
Mr. Devin Parram
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On behalf of the Ohio Power Siting Board
Staff.

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1	INDEX		
2	- - -		
3	WITNESSES		PAGE
4	Jonathan Winslow		
5	Direct Examination by Mr. Settineri		8
6	Donald Rostofer		
7	Direct Examination by Mr. Parram		15
8	- - -		
9	COMPANY EXHIBITS	IDTF'D	ADMT'D
10	1 - Direct Testimony of J. Winslow	9	19
11	2 - Application	6	14
12	3 - Notice of Filing List of	6	14
13	Commitments		
14	4 - Proofs of Publication	6	14
15	5 - Submittal of Mailing List	6	14
16	6 - Direct Testimony of M. Theriault	6	7
17	7 - Direct Testimony of L. Gresock	6	7
18	8 - Carroll County Energy's Responses	6	14
19	to Staff's Data Requests		
20	- - -		
21	JOINT EXHIBIT	IDTF'D	ADMT'D
22	1 - Joint Stipulation and	6	18
23	Recommendation		
24	- - -		
25	BOARD-ORDERED EXHIBIT	IDTF'D	ADMT'D
	1 - Staff Report of Investigation	15	18
	- - -		

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Thursday Morning Session,
March 13, 2014.

- - -

ALJ SEE: Scheduled before the Ohio
Pow -- strike that. Scheduled for hearing this
morning before the Ohio Power Siting Board is Case
No. 13-1752-EL-BGN, entitled In the Matter of the
Application of Carroll County Energy LLC for a
Certificate of Environmental Compatibility and Public
Need to Construct an Electric Generation Facility in
Carroll County, Ohio. My name is Greta See. I am
the Administrative Law Judge assigned to this case by
the Board.

At this time are there any members of the
public present who wish to make a statement?

(No response.)

Let the record reflect that there are no
members of the public present who wish to make a
statement.

I'd like to take appearances of the
parties. On behalf of Carroll County Energy.

MR. SETTINERI: Thank you, your Honor.
On behalf of Carroll County Energy LLC, M. Howard
Petricoff, Michael Settineri, Miranda Leppla, with
the law firm of Vorys, Sater, Seymour and Pease, 52

1 East Gay Street, Columbus, Ohio 43215.

2 ALJ SEE: On behalf of Washington
3 Township.

4 MR. MILLER: Thank you, your Honor. On
5 behalf of Washington Township, Carroll County, Ohio,
6 Christopher L. Miller and Gregory J. Dunn, with the
7 law firm of Ice Miller, 250 West Street, Columbus,
8 Ohio 43215.

9 ALJ SEE: And on behalf of the staff of
10 the Board.

11 MR. PARRAM: Good morning, your Honor.
12 On behalf of the Power Siting Board staff, Ohio
13 Attorney General Mike DeWine, by Assistant Attorneys
14 General William Wright, Section Chief, Devin Parram,
15 Ryan O'Rourke, Katherine Johnson, 180 East Broad
16 Street, 6th Floor, Columbus, Ohio 43215.

17 ALJ SEE: Mr. Settineri, if you want to
18 start with your exhibits.

19 MR. SETTINERI: Yes, thank you, your
20 Honor. What I've handed out, there's a copy for the
21 Bench as well as the court reporter and the other
22 parties, I would like to mark a number of exhibits
23 and, again, the packets have been handed out.

24 Starting first, Company Exhibit 1, we'd
25 like to mark, that will be the Direct Testimony of

1 Jonathan Winslow.

2 We will mark as Company Exhibit 2, a
3 two-volume set which is the application in this
4 matter.

5 Company Exhibit 3, that will be the
6 Notice of Filing List of Commitments.

7 We will mark as Company Exhibit 4, the
8 Proofs of Publication.

9 We will mark as Company Exhibit 5, the
10 Submittal of Mailing List.

11 We would also mark as Company Exhibit 6,
12 the Direct Testimony of Michael Theriault.

13 We will mark as Company Exhibit 7, the
14 Direct Testimony of Lynn Gresock, G-r-e-s-o-c-k.

15 We will mark as Company Exhibit 8,
16 Carroll County Energy's Responses to Staff's Data
17 Requests. And for the record I will note that
18 Company Exhibit 8 includes both responses to Staff's
19 First Set of Data Requests as well as a supplemental
20 response.

21 Lastly, we will mark as Joint Exhibit 1,
22 the Joint Stipulation and Recommendation that has
23 been entered into by all parties in this proceeding
24 and docketed on March 10th, 2014.

25 Those are the exhibits that we will be

1 marking today, your Honor.

2 One matter I would like to bring up at
3 this time, if I may, is addressing the testimony of
4 Michael Theriault and Lynn Gresock, for the parties
5 have agreed to stipulate to the admission of that
6 testimony into the record without cross-examination,
7 without the witnesses being present as they are
8 out-of-state witnesses. No parties will have any
9 questions for these witnesses and we had confirmed
10 previously with the Bench that the Bench would have
11 no questions.

12 So, at this time, we would move, based on
13 the stipulation of the parties, we would like to move
14 into the record the Direct Testimony of Michael
15 Theriault, Company Exhibit 6, as well as the Direct
16 Testimony of Lynn Gresock, Company Exhibit 7.

17 ALJ SEE: Okay. And the parties --
18 Washington Township and staff have stipulated to the
19 admission of Company Exhibits 6 and 7?

20 MR. PARRAM: Yes, your Honor.

21 MR. MILLER: Yes, your Honor.

22 ALJ SEE: Company Exhibits 6 and 7, the
23 Direct Testimony of Michael Theriault and Lynn
24 Gresock is admitted into the record.

25 (EXHIBITS ADMITTED INTO EVIDENCE.)

1 MR. SETTINERI: Thank you, your Honor.

2 ALJ SEE: And the remainder of Company
3 Exhibits 1 through 8 are so marked.

4 (EXHIBITS MARKED FOR IDENTIFICATION.)

5 MR. SETTINERI: Thank you.

6 At this time, your Honor, we are ready to
7 call our first witness, Mr. Jonathan Winslow.

8 ALJ SEE: Mr. Winslow, step forward.

9 Raise your right hand.

10 (Witness sworn.)

11 ALJ SEE: Thank you. Have a seat.

12 Go ahead, Mr. Settineri.

13 MR. SETTINERI: Thank you, your Honor.

14 - - -

15 JONATHAN WINSLOW

16 being first duly sworn, as prescribed by law, was
17 examined and testified as follows:

18 DIRECT EXAMINATION

19 By Mr. Settineri:

20 Q. Mr. Winslow, at this time can you please
21 state your name and business address for the record.

22 A. My name is Jonathan Winslow.

23 J-o-n-a-t-h-a-n. Winslow, W-i-n-s-l-o-w. My
24 business address is 31 Milk Street, Boston,
25 Massachusetts.

1 Q. And do you have before you what's been
2 marked as Company Exhibit 1?

3 A. I do.

4 Q. And can you identify that for me, please?

5 A. This is my testimony.

6 Q. Okay. And this is your direct testimony
7 that was prefiled in this matter?

8 A. Yes, it is.

9 Q. Okay. And do you have any changes or
10 revisions to your testimony at this time?

11 A. I do.

12 Q. Could you please take us through those
13 and read those for the court reporter?

14 A. Sure. On page 3, in Question and Answer
15 5, the last sentence of my answer should be deleted
16 and replaced with "Water will be supplied to the
17 Facility by a regulated supplier, yet to be selected
18 by CCE."

19 Q. And for the court reporter's purpose, can
20 you please read the sentence that is being deleted?

21 A. Sure. The sentence that is being deleted
22 is "Water services to the Facility will be by a
23 regulated supplier, yet to be selected by CCE."

24 Q. Okay. Any other revisions to your
25 testimony, Mr. Winslow?

1 A. I have another revision. On page 4, in
2 Question 8 and Answer 8, at the end of my answer I'd
3 like to add a sentence. The sentence should read:
4 "Copies of CCE's responses to Staff's Data Requests,
5 dated January 24th, 2014, and February 5th, 2014
6 respectively, have been marked as Company Exhibit 8."

7 Q. Any other revisions?

8 A. Yes.

9 Q. And can you --

10 A. I would like to withdraw Question and
11 Answer 24 and 25 which are located on pages 12 and 17
12 respectively, and this is to make the testimony
13 consistent with the Joint Stipulation that's been
14 signed.

15 Q. Okay. Do you have any other revisions to
16 your testimony at this time?

17 A. I do not.

18 Q. If I was to ask you the questions and
19 answers in your testimony as you have revised, would
20 your answers be the same today?

21 A. Yes, they would be the same.

22 Q. Mr. Winslow, I noticed that you stated
23 that there had been a Joint Stipulation entered into
24 by the parties. Do you have before you what has been
25 marked as Joint Exhibit 1?

1 A. I do.

2 Q. And can you please identify that
3 document?

4 A. I can. This Joint Stipulation and
5 Recommendation, that was signed by the staff,
6 Washington Township and Carroll County Energy, was
7 docketed on March 10th, 2014.

8 Q. Have you reviewed Joint Exhibit 1?

9 A. Yes, I have. The Joint Stipulation and
10 Recommendation presents recommendations by the
11 statutory parties to the Ohio Power Siting Board on
12 findings of fact, conclusions of law. It also
13 presents conditions that the signatory parties
14 recommend that the Ohio Power Siting Board adopt.

15 Q. Mr. Winslow, in your last answer you also
16 used the phrase "statutory parties"; did you mean to
17 say "signatory parties"?

18 A. Yes, excuse me, "signatory parties."

19 Q. Does the Joint Stipulation and
20 Recommendation represent a product of serious
21 bargaining among capable and knowledgeable parties in
22 your view?

23 A. Yes. Multiple parties in the proceedings
24 engaged in settlement negotiations through an open
25 process. Each of the parties were represented by

1 counsel in the negotiations. During negotiations,
2 the signatory parties agreed to modify some of the
3 conditions the staff recommended in the Staff Report.
4 Other conditions remained as initially recommended by
5 the staff. In addition, Condition 17 was added at
6 the request of Washington Township.

7 Q. In your opinion does the Joint
8 Stipulation and Recommendation, as a package, benefit
9 the public interest?

10 A. Yes. If the Stipulation is adopted and
11 approved by the Board, the proposed facility will
12 help meet energy demand in the region, particularly
13 in light of retirement of aging generation capacity.
14 The facility will help meet the region's energy
15 demand by providing additional base load and peaking
16 capacity. In addition, the facility will benefit the
17 local economy through additional new jobs, economic
18 stimulus, and tax revenue.

19 Q. Does the Joint Stipulation and
20 Recommendation in your opinion violate any important
21 regulatory principles or practices?

22 A. No, it does not.

23 Q. What do you recommend that the Ohio Power
24 Siting Board do in regard to the Joint Stipulation
25 and Recommendation?

1 A. I recommend that the Ohio Power Siting
2 Board adopt the Joint Stipulation and Recommendation
3 including the recommended conditions.

4 Q. And does this conclude your direct
5 testimony today?

6 A. Yes, it does.

7 Q. Thank you.

8 MR. SETTINERI: At this time, your Honor,
9 the witness is available for cross-examination.

10 ALJ SEE: Mr. Miller?

11 MR. MILLER: I have no cross-examination,
12 your Honor.

13 ALJ SEE: Mr. Parram?

14 MR. PARRAM: No questions, your Honor.

15 ALJ SEE: And the Bench has no questions
16 for Mr. Winslow.

17 Thank you very much.

18 THE WITNESS: Thank you.

19 MR. SETTINERI: Your Honor, at this time
20 we would like to move for the admission of Company
21 Exhibit 1, the Direct Testimony of Jonathan Winslow;
22 Company Exhibit 2, the two binders of the
23 application; Company Exhibit 3, Notice of Filing List
24 of Commitments; Company Exhibit 4, Proofs of
25 Publication; Company Exhibit 5, Submittal of Mailing

1 List; Company Exhibit 8, Responses to Staff's Data
2 Requests; and Joint Exhibit 1 which is the Joint
3 Stipulation. All of these exhibits, other than the
4 Direct Testimony of Mr. Winslow, the remaining
5 exhibits have been referenced in Mr. Winslow's
6 testimony today, we'd move for their admission into
7 the record.

8 ALJ SEE: Are there any objections to the
9 Admission of Company Exhibits 2, 3, 4, 5, and 8?

10 MR. MILLER: No objections.

11 MR. PARRAM: No objections, your Honor.

12 ALJ SEE: Okay. Company Exhibits 2, 3,
13 4, 5, and 8 shall be admitted into the record.

14 (EXHIBITS ADMITTED INTO EVIDENCE.)

15 MR. SETTINERI: And, your Honor, we'd
16 also move for Joint Exhibit 1. I don't know if you
17 would like to wait until after Mr. Rostofer testifies
18 to move.

19 ALJ SEE: I would.

20 MR. SETTINERI: Thank you.

21 ALJ SEE: Mr. Parram.

22 MR. PARRAM: Yes, your Honor. Before we
23 call staff witness Don Rostofer, I would like to have
24 marked for purposes of identification the Staff
25 Report of Investigation in this case which was filed

1 in the docket on February 19, 2014, have that marked
2 as Board-Ordered Exhibit 1.

3 ALJ SEE: The exhibit is so marked.

4 (EXHIBIT MARKED FOR IDENTIFICATION.)

5 MR. PARRAM: Thank you.

6 Staff would like to call staff witness
7 Don Rostofer to the stand, your Honor.

8 ALJ SEE: Mr. Rostofer, if you could
9 raise your right hand.

10 (Witness sworn.)

11 ALJ SEE: Have a seat.

12 Go ahead, Mr. Parram.

13 MR. PARRAM: May I approach the witness,
14 your Honor?

15 ALJ SEE: Yes.

16 MR. PARRAM: Thank you.

17 - - -

18 DONALD ROSTOFER

19 being first duly sworn, as prescribed by law, was
20 examined and testified as follows:

21 DIRECT EXAMINATION

22 By Mr. Parram:

23 Q. Good morning, Mr. Rostofer.

24 A. Good morning.

25 Q. Would you please state and -- please

1 state your name and business address for the record.

2 A. Donald Rostofer, 180 East Broad Street,
3 Columbus, Ohio 43215.

4 Q. And by whom are you currently employed?

5 A. Public Utilities Commission of Ohio.

6 Q. And what is your position with the PUCO?

7 A. I'm a utilities specialist working within
8 the agency. I work on power siting cases. I am the
9 project manager for this project.

10 Q. Do you have in front of you a document
11 that's been marked Joint Exhibit 1?

12 A. Yes.

13 Q. What is this document?

14 A. It's the Joint Stipulation and
15 Recommendation that staff, the company and intervenor
16 with the township sat down and put together.

17 Q. So you are familiar with this document?

18 A. Yes, I am.

19 Q. In your opinion does this document
20 represent a product of serious bargaining among
21 capable and knowledgeable parties?

22 A. Yes.

23 Q. And does Joint Exhibit 1 benefit
24 customers and the public interest?

25 A. Yes.

1 Q. And does Joint Exhibit 1 violate any
2 important regulatory principle or practice?

3 A. No.

4 Q. In your opinion is the stipulation a just
5 and reasonable resolution of all issues in this case?

6 A. Yes.

7 MR. PARRAM: I have no further questions,
8 your Honor.

9 ALJ SEE: Mr. Miller, any questions for
10 this witness?

11 MR. MILLER: I have no questions, your
12 Honor.

13 ALJ SEE: Mr. Settineri?

14 MR. SETTINERI: No questions, your Honor.

15 ALJ SEE: Mr. Rostofer, in your opinion,
16 how do you believe this stipulation benefits
17 customers and the public interest?

18 THE WITNESS: As was stated earlier, we
19 have a lot of base coal-fired plants that are being
20 retired. This will replace some of those facilities
21 and also will reduce emissions into the air that coal
22 naturally gives. In addition, this is a depressed
23 area of the state, so financially and economically
24 there's going to be a lot of money put into this area
25 that is beneficial to the local folks.

1 ALJ SEE: Okay. Thank you.

2 Are there any objections to the admission
3 of Joint Exhibit 1 --

4 MR. MILLER: No objections.

5 ALJ SEE: -- or Board-Ordered Exhibit 1?
6 I'm sorry, I didn't hear any response.

7 MR. MILLER: No objections.

8 MR. SETTINERI: No objections. Just to
9 clarify --

10 MR. PARRAM: I have no objections to the
11 Joint Exhibit or the Board-Ordered Exhibit, your
12 Honor.

13 ALJ SEE: Mr. Miller.

14 MR. MILLER: No objections, your Honor.

15 ALJ SEE: Okay.

16 MR. SETTINERI: No objections to the
17 admission of Joint Exhibit 1 which is the
18 Stipulation, and Staff's -- the Staff Report, no
19 objections.

20 ALJ SEE: Board-Ordered Exhibit 1 and
21 Joint Exhibit 1 are admitted into the record.

22 (EXHIBITS ADMITTED INTO EVIDENCE.)

23 ALJ SEE: Were you about to raise an
24 issue, Mr. Settineri?

25 MR. SETTINERI: No.

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ALJ SEE: Let's go off the record.

(Recess taken.)

ALJ SEE: Mr. Settineri.

MR. SETTINERI: Yes, your Honor. One thing we would like to confirm is we had moved for the admission of Company Exhibit 1, but we weren't sure if that was admitted into the record. So to be certain, we would renew our motion to admit Company Exhibit 1, the Direct Testimony of Jonathan Winslow, into the record. All parties consent, have no objections to the admission, and that is confirmed with Mr. Miller, counsel for Washington Township, as well as Mr. Parram, counsel for staff.

ALJ SEE: Okay. Thank you. Company Exhibit 1, the Direct Testimony of Mr. Winslow, is admitted into the record.

(EXHIBIT ADMITTED INTO EVIDENCE.)

ALJ SEE: Okay. If there is nothing further, this hearing is adjourned. Thank you all very much.

(The hearing adjourned at 10:24 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 Thursday, March 13, 2014, and carefully compared with my original stenographic notes.

Carolyn M. Burke, Registered
Professional Reporter, and
Notary Public in and for the
State of Ohio.

My commission expires July 17, 2018.

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This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 13-1752-EL-BGN

Summary: Transcript in the matter of Carroll County Energy LLC hearing held on 03/13/14 electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Burke, Carolyn M. Mrs.