

BEFORE THE OHIO POWER SITING BOARD

- - -

In the Matter of the :
Application of 6011 :
Greenwich Windpark, LLC, : Case No. 13-990-EL-BGN
for a Certificate of :
Environmental Compatibility :
and Public Need for the :
Greenwich Windpark. :

- - -

PROCEEDINGS

before Greta See, Administrative Law Judge, held at the
offices of the Public Utilities Commission of Ohio, 180
East Broad Street, Hearing Room 11-C, Columbus, Ohio,
on Monday, May 19, 2014, at 10:08 a.m.

- - -

ARMSTRONG & OKEY, INC.
222 East Town Street, 2nd Floor
Columbus, Ohio 43215-5201
(614) 224-9481 - (800) 223-9481
FAX - (614) 224-5724

- - -

1 APPEARANCES

2 Mike DeWine, Ohio Attorney General
3 Mr. John J. Jones
4 Mr. Ryan P. O'Rourke
5 Assistant Attorneys General
6 180 East Broad Street, 6th Floor
7 Columbus, Ohio 43215

8 On behalf of the Staff of the Ohio
9 Power Siting Board

10 Bricker & Eckler
11 Ms. Sally W. Bloomfield
12 Mr. Dylan F. Borchers
13 100 South Third Street
14 Columbus, Ohio 43215-4291

15 On behalf of Greenwich Windpark, LLC

16 Mr. Chad A. Endsley
17 280 North High Street, 6th Floor
18 Columbus, Ohio 43215

19 On behalf of Ohio Farm Bureau

20 Also Present:

21 Dale Arnold
22 Walter Leber
23 Tom Dunlap
24 Steve Irwin
25

INDEX OF WITNESSES

WITNESS	PAGE
WALTER LEBER	
Examination by ALJ See	6
Cross-Examination by Mr. Endsley	9
Continued Cross-Examination by ALJ See	10
Cross-Examination by Ms. Bloomfield	12
MONICA JENSEN	
Direct Examination by Ms. Bloomfield	17
Cross-Examination by ALJ See	18
GRANT T. ZETO	
Direct Examination by Mr. Jones	25
Examination by ALJ See	28

INDEX OF EXHIBITS

COMPANY EXHIBITS	IDENTIFIED	ADMT
1 Application filed June 17, 2013	14	16
2 Proof of service of application on local public officials and libraries	14	16
3 Proof of publication, first notice	15	16
4 Proof of publication, second notice	15	16
5 Testimony of Monica Jensen on behalf of 6011 Greenwich Windpark, LLC, filed May 9, 2014	15	24
JOINT EXHIBITS		
1 Joint stipulation and recommendation filed December 23, 2013	25	29
STAFF EXHIBITS		
1 Staff report of investigation filed April 18, 2014	16	17
2 Prefiled testimony of Grant T. Zeto	16	29

Monday Morning Session,
May 19, 2014.

- - -

ALJ SEE: Scheduled before the Ohio Power
Siting Board at this time is Case No. 13-990-EL-BGN,
entitled In The Matter of the Application of 6011
Greenwich Windpark, LLC, for a certificate to construct
a wind power electric generation facility in Huron
County, Ohio.

My name is Greta See. I am the
Administrative Law Judge assigned to this case by the
Board. At this time I'd like to take appearance of
counsel. On behalf of Greenwich Windpark?

MS. BLOOMFIELD: Your Honor, Sally W.
Bloomfield and Dylan Borchers with the law firm of
Bricker & Eckler, 100 South Third Street, Columbus,
Ohio 43215.

ALJ SEE: On behalf of Ohio Farm Bureau?

MR. ENDSLEY: Chad Endsley, legal counsel
for the Ohio Farm Bureau, 280 North High Street, 6th
Floor, Columbus, Ohio 43215.

ALJ SEE: And on behalf of the Ohio Power
Siting Board Staff?

MR. JONES: Good morning, your Honor. On
behalf of the Ohio Power Board Siting Staff, Ohio

1 Attorney General, Mike DeWine, Assistant Attorneys
2 General Ryan O'Rourke and John Jones.

3 ATTORNEY EXAMINER: Is there a member of
4 the public who wishes to make a statement at this
5 time?

6 MR. LEBER: Yes, there is.

7 ALJ SEE: Sir?

8 MR. LEBER: Yes, your Honor.

9 ALJ SEE: Are you here to make testimony on
10 behalf of the public?

11 MR. LEBER: Yes, I am.

12 ALJ SEE: Okay. I need you to step
13 forward. I need you to raise your right hand.

14 - - -

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

18 - - -

19 EXAMINATION

20 By ALJ See:

21 Q. Have a seat and give your statement. First
22 state and spell your name for the record and provide us
23 your address.

24 A. My name is Walter Leber, W-a-l-t-e-r,
25 L-e-b-e-r.

1 Q. And, Mr. Leber, did you not give testimony,
2 public testimony at the hearing held on --

3 A. May 6th.

4 MS. BLOOMFIELD: May 6th.

5 Q. -- the local public hearing?

6 A. Yes, I did, your Honor.

7 Q. Okay. And do you understand that that
8 testimony is already part of the record in this case?

9 A. Yes, I do.

10 Q. Okay.

11 A. At the end of my testimony I asked a
12 statement when I was being crossed examined, "are you
13 sure?" If you remember that in the conversation, your
14 Honor.

15 Q. I'm sorry. What question did you ask?

16 A. I asked if he was sure he didn't want to
17 cross-examine me.

18 The problem I'm finding with this project
19 or my testimony is today, is if there's questions that
20 aren't asked that we find out afterwards, that we don't
21 have the "that" factor where we didn't know about
22 "that", we didn't know "this" was going to happen, if
23 there are questions in cross-examine, then we have
24 questions where somebody doesn't -- comes into the room
25 and says, well, I hope that doesn't get asked today,

1 you know, that doesn't get brought up.

2 Being a township trustee, and being in
3 politics, I've run into that problem where we started
4 things and then it doesn't go as well, and, well, you
5 didn't ask that question. I didn't know I should. I
6 didn't know I could. And that's some of the things
7 with this windpark, this is new to Huron County. It's
8 new to Greenwich Township. I don't know if we have
9 asked all the questions from the residents' side as to
10 what everything is going to get involved with this
11 windpark.

12 And I'm here to represent my residents as I
13 should as a township trustee, at that lowest form of
14 government, grassroots government. And I'm trying to
15 understand. I'm not trying to say I'm against this
16 project, because I think it is an opportunity for our
17 township. And I understand by all the letters being
18 written, everybody sees the dollar signs.

19 I also reiterate my testimony, I'd like to
20 see this done right. I don't want to see it done wrong
21 and then afterwards we have problems.

22 I'm not trying to get sidetracked, but I am
23 going through something similar with a project in my
24 township right now with the Sunoco pipeline. That's a
25 huge project. We are having issues and it's the same

1 kind of issues that I don't want to have with the
2 windpark next year.

3 And with those problems, I'm open to try to
4 find some answers here today or get some inclination of
5 what's going to happen.

6 Q. Okay. You do recognize, as you were
7 informed at the public hearing, that you are now going
8 to be subject to cross-examination, correct?

9 A. Correct.

10 ALJ SEE: On behalf of Greenwich?

11 MS. BLOOMFIELD: No, your Honor, we don't
12 have any questions.

13 ALJ SEE: Okay. On behalf of the Ohio Farm
14 Federation. Does the Farm Federation need a few
15 minutes?

16 MR. ENDSLEY: Sorry. I just have one quick
17 question.

18 - - -

19 CROSS-EXAMINATION

20 By Mr. Endsley:

21 Q. Mr. Leber, correct?

22 A. Yes.

23 Q. I just wanted to ask if you were aware of a
24 dispute resolution process that is -- will be part of
25 the Windpark development?

1 A. No, I am not.

2 Q. That might be something, if I can just
3 respond briefly, that we could explain maybe after the
4 proceedings today, just to make sure you're aware of
5 the dispute resolution process.

6 A. Okay.

7 ALJ SEE: Counsel for Staff?

8 MR. JONES: No questions, your Honor.

9 - - -

10 CONTINUED EXAMINATION

11 By ALJ See:

12 Q. Just for the Bench's understanding, have
13 you read the Staff Report, Mr. Leber?

14 A. No, I have not.

15 Q. Did you attend any of the public
16 information meetings that were held?

17 A. I attended one. It seemed informational,
18 but not -- I don't know how to explain it. There are
19 still residents that still have questions even after
20 the hearing process that happened May 6th. I still
21 have residents calling me with questions.

22 Q. Okay. And where have -- have you attempted
23 to answer their questions or directed them to the
24 Company?

25 A. I've tried to answer the questions. Some

1 of our biggest concerns --

2 Q. Mr. Leber, the question I asked you is have
3 you directed them to the Company?

4 A. No, I have not.

5 Q. Okay. Go ahead.

6 A. The problem is we're a small township with
7 a small budget. We don't have industry. We have a
8 couple hundred thousand dollar budget. Our concern
9 with residents is the livelihood of the community being
10 able to proceed if there are unforeseen problems with
11 the roads, the infrastructure.

12 Q. Okay.

13 A. If we don't have the things in place to
14 keep the roads in shape, how do I close roads to public
15 transportation for a school or for fire, for ambulance
16 when it's my responsibility to keep the roads open?

17 Q. So your concerns, one of your concerns is
18 with the roads?

19 A. Yes.

20 Q. And --

21 A. It's really -- go ahead, your Honor.

22 Q. Is it open and repair of -- opening,
23 availability of the roads or repair of the roads or
24 both?

25 A. It's both. And it comes back to a time

1 frame. See, originally this was going to be a winter
2 project. When things are torn up in the wintertime,
3 you don't have the availability of products to fix
4 roads because it's cold out. There's no asphalt.
5 There's no tar. You can only put stone down. If this
6 turns into a summer project, then it changes things and
7 we can do some repair. You know, the timing of a
8 project means a lot to our community.

9 We are a dairy community, which we have
10 dairy farmers that need milk out every day. If you
11 cannot get that milk out, you affect their income or
12 they have to dump the product.

13 ALJ SEE: Okay. Thank you very much,
14 Mr. Leber.

15 MS. BLOOMFIELD: Your Honor, you opened up
16 one point --

17 ALJ SEE: Would you like to ask a question?

18 MS. BLOOMFIELD: -- which was not brought
19 up earlier, so I wonder if I can ask a question.

20 - - -

21 CROSS-EXAMINATION

22 By Ms. Bloomfield:

23 Q. You are aware that there is a road
24 agreement that the Company enters into with the county
25 engineer?

1 A. Yes.

2 Q. And were you not given a copy of that road
3 agreement?

4 A. That road agreement at the current time is
5 not finished. There's not -- nothing for us to sign
6 yet.

7 Q. Correct. But you were given a draft of
8 the --

9 A. We were given a draft. You're right.

10 MS. BLOOMFIELD: Thank you. That's all I
11 have, your Honor.

12 ALJ SEE: Any other redirect of this
13 witness? Recross, I'm sorry.

14 MR. ENDSLEY: No, your Honor.

15 MR. JONES: No, your Honor.

16 ALJ SEE: Thank you, Mr. Leber.

17 Ms. Bloomfield, I understand there's been a
18 stipulation filed by the parties?

19 MS. BLOOMFIELD: Yes, your Honor, there has
20 been a joint stipulation and recommendation which was
21 filed in this case I think on Friday. And at this
22 time, if it's agreeable with you, what we'd like to do
23 is identify exhibits. Will that be all right?

24 ALJ SEE: Yes. Please do.

25 MS. BLOOMFIELD: We have marked as Company

1 Exhibit 1 the application which is this three volume,
2 the three-volume notebook in front of me and typically
3 we don't -- they've already been filed in the case, of
4 course, and typically I just reference them and we
5 don't put them into the record, but if you would like
6 them, I would be happy to give them to you.

7 ALJ SEE: Since they've been docketed
8 they -- we need them marked so that we can continue,
9 but they don't have to be given to the court reporter.

10 MS. BLOOMFIELD: And then as the
11 stipulation notes, we have Company Exhibit 2, which is
12 the proof of service of the application.

13 ALJ SEE: Ms. Bloomfield, let me just make
14 one clarifying note in the record.

15 MS. BLOOMFIELD: Sure.

16 ALJ SEE: According to the stipulation that
17 was filed on Friday, it indicates that the application
18 was filed on December 23rd, just to clarify, that's
19 when applicants started to file the application. So it
20 is three volumes and it commenced on December 23rd, and
21 there were three volumes who came in over a course of a
22 few days.

23 MS. BLOOMFIELD: That's right, your Honor.
24 And at the time I think we checked with someone to
25 see. At the time, our understanding was it was going

1 to be considered filed on the 23rd. There were some
2 docketing -- not docketing, computer issues at the PUCO
3 level that prevented the whole thing from going
4 through. However you want to designate it is fine and
5 it did take three days to finally get the whole thing
6 electronically filed.

7 ALJ SEE: Okay. Go ahead.

8 MS. BLOOMFIELD: Okay. We have proof of
9 service of the application, which we would like to have
10 marked as Company Exhibit 2.

11 And then we have Company Exhibit 3, which
12 is proof of publications in the first notice. Those
13 have also been previously docketed.

14 Company Exhibit 4, which is the proof of
15 the second notice of the application, filing of the
16 application.

17 And, finally, we have the testimony of
18 Monica Jensen, which we would like to have marked as
19 Company Exhibit 5. Was filed on May 9th.

20 And I believe the -- Staff has some
21 exhibits and then we -- jointly there's three parties
22 here who will re-present, I guess, the joint
23 stipulation and recommendation which was filed this
24 past Friday.

25 ALJ SEE: Okay. Are there any objections

1 to the admission of Company Exhibits 1 through 5?

2 MR. JONES: No objection.

3 ALJ SEE: Mr. Endsley?

4 MR. ENDSLEY: Yes.

5 ALJ SEE: Any objection to the admission of
6 Company Exhibits -- I'm sorry. Let me take a step
7 back. Are there any objections to the admission of
8 Company Exhibits 1 through 4?

9 MR. ENDSLEY: No, your Honor.

10 ALJ SEE: Okay. Admission of Exhibits 1
11 through 4 is fine with you as well?

12 MR. JONES: Yes, your Honor. No
13 objection.

14 ALJ SEE: They're admitted into the
15 record.

16 Staff, I believe you have some exhibits you
17 need to mark as well?

18 MR. JONES: Yes, your Honor. I'd like to
19 have marked for identification Ohio Power Siting Board
20 Staff Exhibit 1, a Staff Report of Investigation filed
21 in this docket on April 18th, 2014. And also I would
22 like to have marked Staff Exhibit 2, the prefiled
23 testimony of Grant T. Zeto, that was filed on May 13th,
24 2014. I would move for admission of those two
25 exhibits.

1 ALJ SEE: Okay. Staff Exhibits 1 and 2 are
2 so marked. Are there any objections to the admission
3 of the Staff Exhibit 1?

4 MS. BLOOMFIELD: I have no objection.

5 MR. ENDSLEY: No, objections, your Honor.

6 ALJ SEE: Ms. Bloomfield, I understand you
7 have a witness here to testify in support of the
8 stipulation?

9 MS. BLOOMFIELD: Yes. We call Monica
10 Jensen. May I call her to the stand at this point?

11 ALJ SEE: Yes.

12 - - -

13 MONICA JENSEN

14 being first duly sworn, as prescribed by law, was
15 examined and testified as follows:

16 - - -

17 ALJ SEE: Go ahead, Ms. Bloomfield.

18 MS. BLOOMFIELD: Thank you.

19 - - -

20 DIRECT EXAMINATION

21 By Ms. Bloomfield:

22 Q. Ms. Jensen, I'm handing you an exhibit
23 marked, that states testimony of Monica Jensen, and has
24 been marked as Company Exhibit 5. Is this your
25 testimony?

1 A. Yes, it is.

2 Q. And was this prepared under your
3 supervision?

4 A. Yes, it was.

5 Q. And if I were to ask you the questions
6 today that are stated in this testimony, would your
7 answers be the same?

8 A. Yes, they would be.

9 Q. Do you have any corrections, additions, or
10 deletions to the testimony?

11 A. No, I do not.

12 MS. BLOOMFIELD: Your Honor, I have no
13 further questions.

14 ALJ SEE: Mr. Endsley?

15 MR. ENDSLEY: We have no questions, your
16 Honor.

17 ALJ SEE: Mr. Jones?

18 MR. JONES: No questions, your Honor.

19 - - -

20 EXAMINATION

21 By ALJ See:

22 Q. Ms. Jensen, I'd like to address a couple
23 issues that were raised this morning by Mr. Leber. How
24 familiar are you with the Staff Report of
25 Investigation?

1 A. I have read it multiple times.

2 Q. Okay. And did you participate in the
3 development of the stipulation in this case?

4 A. I did.

5 Q. And you recognize that there's a three-part
6 test that the Board uses to determine whether a
7 stipulation is reasonable. Are you aware of that?

8 A. I am, sir. Excuse me, ma'am. Sorry, about
9 that.

10 Q. Tell me why you believe this particular
11 stipulation filed in this case benefits the public
12 interest.

13 A. The Greenwich Windpark is a 60 megawatt
14 windpark that not only supplies energy to -- can supply
15 energy for Ohio's needs. As well as Mr. Leber has
16 concerns about the community as well as the road
17 agreement that is -- sounds like is one of his main
18 concerns.

19 Throughout the process we have worked with
20 the Huron County in regards to working through a draft
21 road agreement that covers, I don't want to say soup to
22 nuts, but it does. It has -- it covers areas of if the
23 road has to be shut down, coordinating with the county,
24 with the township in regards to hours, minutes, that it
25 can be shut down, who needs to be notified. And if

1 it's not, if those rules are not adhered to, you know,
2 there's consequences and much iterative process of any
3 time roadwork, construction, shutting down of roads,
4 all has to be followed according to the road
5 agreements.

6 Q. Okay. And how is the general public in the
7 community notified that a particular road will be
8 shut down and what period of time it would be shut down
9 for?

10 A. Well, number one, it is coordinated through
11 meetings on a weekly basis with the contractor as well
12 as the county road staff as well as the township.
13 People living on the roads are also notified if that
14 road is going to be shut down. Typically road closures
15 are not on a -- like an entire day. It's more like
16 two, three hours. Those are obviously coordinated
17 around any concerns on school buses, the local EMS.

18 Emergency service personnel are also part
19 of the meeting. Everyone who would on any given day
20 use that road would be in that meeting, that weekly
21 meeting that covers any road closures no matter how
22 temporary or extending past X number of time.

23 Road closures typically involve our crane
24 walks. Those are pretty staged very quickly. You
25 can --

1 Q. When you say quickly, like how long?

2 A. An hour.

3 Q. If I were a resident living in the area,
4 and I had to move my milk or other dairy product or my
5 crops --

6 A. Cows.

7 Q. -- how much advanced notice would I likely
8 be given?

9 A. At least a minimum of a week. And the one
10 thing about this area, they are all section roads, so
11 in order to go around the block there is that option,
12 you know. They're mile section squares that if you
13 can't go out one way, then typically you can go out the
14 other way, so to speak.

15 There are only, you know, all those road
16 crossings do not happen in the same day. They're
17 obviously staged one at a time.

18 In addition, the landowners on that
19 particular section are also notified, call -- I have a
20 very good relationship with the landowners in the
21 area. It's not uncommon for me to pick up the phone
22 and, you know, coordinate anything. It's pretty --
23 it's an easy process.

24 Q. Okay. Are you familiar with the section in
25 the Staff Report that addresses repair of roads?

1 A. I am. I don't have it in front of me, so I
2 don't have it to reference, but within the road
3 agreement we agree to repair roads to as good, if not
4 better condition.

5 Q. And is the county and township involved in
6 review of that or participating in that process to
7 restore the roads?

8 A. Absolutely. And we've been working with
9 the county road engineer on this for well over a year.

10 Q. I'd like to switch topics a little bit
11 here. Ms. Jensen, you said you were familiar with the
12 three-part test that the Board uses to evaluate a
13 stipulation?

14 A. Yes. I'm not overly familiar but a
15 little. Read it.

16 Q. Okay. And you did participate and you sat
17 in negotiates to develop the stipulation, correct?

18 A. Correct.

19 Q. Are you aware of any -- to your knowledge,
20 does this stipulation violate any important regulatory
21 principle or practice?

22 A. I don't understand the question, your
23 Honor.

24 Q. Okay. Are you familiar with Ohio Power
25 Siting Board proceedings?

1 A. Have I ever done one, no. Am I that
2 familiar with them, no. But I understand them from
3 reading other hearing process.

4 Q. Okay. In the negotiations to develop the
5 stipulation in this case, was your counsel present?

6 A. Absolutely.

7 Q. Counsel was present for all of the other
8 parties involved in this case?

9 A. Yes, they were.

10 Q. Okay. Are you aware of any other ways that
11 this project would benefit the public interest?

12 A. Well, the tax dollars that come back to the
13 community are quite large. I know that the current
14 South Central School District has a gap or operating
15 budget forthcoming and the monies that flow through
16 from the tax dollars are greatly needed in the
17 community. I think that is a major benefit even though
18 people may be -- not be so-called part of the project,
19 it is a distinct benefit that will come back to this
20 community.

21 Q. And can you tell me, do you have an idea of
22 the number of workers from the community that would be
23 employed for the construction of this project?

24 A. Number one, as many as possible. Number
25 two, in our application and in regards to also

1 following the Ohio regulated code on your tax benefits
2 and domicile workers, we have agreed to, I want to say
3 we're 125 workers during the construction period and
4 once the project is operating it's two to three
5 full-time workers that make a good wage that we have
6 basically put forth in the plan of the application.

7 ALJ SEE: Thank you.

8 THE WITNESS: Am I good?

9 ALJ SEE: Yes.

10 THE WITNESS: Thank you.

11 ALJ SEE: Ms. Bloomfield, I think you
12 already moved for the admission of Exhibit 5.

13 MS. BLOOMFIELD: Yes, I did. I move for
14 the admission of Company Exhibit 5 and also for the
15 Joint stipulation and recommendation, if that's
16 appropriate.

17 ALJ SEE: And are there any objections to
18 the admission of Company Exhibit 5?

19 MR. JONES: No, objections, your Honor.

20 MR. ENDSLEY: No objections.

21 ALJ SEE: Company Exhibit 5 is admitted
22 into the record.

23 Mr. Jones, will Mr. Zeto be offering
24 testimony this morning?

25 MR. JONES: No, your Honor. Unless the

1 bench has questions for Mr. Zeto.

2 ALJ SEE: Please approach the Bench,
3 Mr. Zeto.

4 - - -

5 GRANT T. ZETO

6 being first duly sworn, as prescribed by law, was
7 examined and testified as follows:

8 - - -

9 ALJ SEE: Mr. Jones.

10 MR. JONES: Thank you, your Honor.

11 - - -

12 DIRECT EXAMINATION

13 By Mr. Jones:

14 Q. Mr. Zeto, was Staff Exhibit 2 prepared by
15 you or at your direction?

16 A. Yes.

17 Q. Staff Exhibit 2, if I were to ask the same
18 questions in that exhibit, would your answers be the
19 same?

20 A. Yes.

21 Q. And Staff supports the joint stipulation
22 that's been presented in this hearing today?

23 A. Yes.

24 Q. Okay. And does the stipulation, Joint
25 Exhibit 1, provide for a complaint resolution process

1 as one of the conditions in the stipulation?

2 A. Yes, it does.

3 Q. Do you happen to know what condition number
4 that would be in the stipulation? Do you have a --
5 excuse me, do you have a stipulation in front of you?

6 A. I do not.

7 Q. Okay.

8 MR. JONES: Thank you, Sally.

9 Q. If you would look at Joint Exhibit 1 and
10 please tell us where we can find the complaint
11 resolution process as provided as a stipulation or as a
12 condition in that stipulation, please?

13 ALJ SEE: Mr. Zeto, I think if you look on
14 page 5, No. 18.

15 A. Condition No. 18, yes.

16 Q. And could you kind of describe what that
17 condition provides?

18 A. One moment, please. Basically provides
19 that the Applicant has a plan to address any complaints
20 that the public may have and those complaints would be
21 formalized and mitigated as required and that Staff
22 would be made aware of complaints and dealt with.

23 Q. Okay. And also there's been testimony
24 about the road use agreement. Could I refer your
25 attention to page 11 of Joint stipulation, please. And

1 is there a condition on that page that addresses the
2 road use agreement?

3 A. Condition 45.

4 Q. And what does that condition provide?

5 A. Condition 45 deals with repair of
6 government-maintained public roads and bridges. There
7 is a -- that there shall be preconstruction survey,
8 post-construction survey, that they will be repaired to
9 the same or better condition as they were prior to
10 construction. A timetable has to be provided.

11 Q. Okay. And does the -- Condition 46, does
12 that address also repairs to roads when there's
13 decommissioning that would occur to the project site?

14 A. Yes, it does.

15 Q. Okay. And Condition 43, does that address
16 transportation permits that are required to be obtained
17 by the Applicant for this construction site?

18 A. Yes, it does.

19 Q. And how about Condition 44, what does that
20 address?

21 A. A final delivery, route plan, which roads
22 would be involved.

23 Q. And is that in coordination with the county
24 engineer?

25 A. Yes.

1 MR. JONES: Your Honor, that's all the
2 questions I have.

3 ALJ SEE: Any cross-examination for this
4 witness?

5 MS. BLOOMFIELD: No, your Honor.

6 ALJ SEE: Mr. Endsley?

7 MR. ENDSLEY: No, your Honor.

8 - - -

9 EXAMINATION

10 By ALJ See:

11 Q. Mr. Zeto, are you familiar with the
12 three-part test that the Board uses to evaluate the
13 stipulation?

14 A. Yes, I am.

15 Q. And do you understand that one of those
16 criterion that the Board uses is whether or not the
17 stipulation as a package benefits ratepayers and the
18 public?

19 A. Yes.

20 Q. And tell me how you believe this particular
21 stipulation benefits the public.

22 A. I believe that the jobs created through the
23 development of the wind farm, as well as the tax
24 dollars and lease agreements, will provide money to the
25 community.

1 Q. And to your knowledge, does it violate any
2 important regulatory principle or practice of the
3 rule?

4 A. No, it does not.

5 Q. Now, Mr. Zeto, I apologize, I may have
6 referred to ratepayers, I'm thinking in Public
7 Utilities Commission processes. Your answer referred
8 to a benefit to the public in general, correct?

9 A. Public, yes.

10 ALJ SEE: All right. Thank you. I have
11 nothing further.

12 THE WITNESS: Thank you.

13 ALJ SEE: Are there any objections to the
14 admission of Staff Exhibit 2?

15 MS. BLOOMFIELD: No, your Honor.

16 MR. ENDSLEY: No, your Honor.

17 ALJ SEE: With that Staff Exhibit 2 is
18 admitted into the record and as is Joint Exhibit 1 and
19 Staff Report, which is Staff Exhibit 1 are admitted
20 into the record. Is there anything further?

21 MR. JONES: No, your Honor.

22 ALJ SEE: With that, hearing is adjourned.
23 Thank you very much.

24 (Concluded proceedings at 10:40 a.m.)

25 - - -

1 CERTIFICATE

2
3
4
5
6 I do hereby certify that the foregoing is a
7 true and correct transcript of the proceedings taken by
8 me in this matter on May 19, 2014, and carefully
9 compared with my original stenographic notes.
10

11
12
13
14
15 _____
16 CATHERINE PASSMORE
17 Certified Shorthand Reporter and
18 Notary Public in and for the
19 State of Ohio

20 My commission expires July 23, 2018
21
22
23
24
25

- - -

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

6/3/2014 2:23:32 PM

in

Case No(s). 13-0990-EL-BGN

Summary: Transcript Hearing held May 19, 2014 electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Passmore, Cathy