

BEFORE THE OHIO POWER SITING BOARD

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In the Matter of the :
Application of AEP Ohio :
Transmission Company for a : Case No.
Certificate of Environmental: 14-1280-EL-BSB
Compatibility and Public :
Need to Construct the Gable :
Substation Project. :

- - -

PROCEEDINGS

Before Nicholas Walstra, Administrative Law
Judge, held at the offices of the Public
Utilities Commission of Ohio, 180 East Broad
Street, Hearing Room 11-D, Columbus, Ohio, on
Thursday, April 23, 2015, at 10:00 A.M.

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1 APPEARANCES:

2 Mr. Ajay K. Kumar
3 Mr. Steve Nourse
4 Mr. Matthew Satterwhite
5 Mr. Yazen Alami
6 1 Riverside Plaza, 29th Floor
7 Columbus, Ohio 43215

8 On behalf of AEP Ohio Transmission
9 Company.

10 Ms. Katie Johnson
11 Assistant Attorney General
12 180 East Broad Street, 6th Floor
13 Columbus, Ohio 43215

14 On behalf of the Staff of the
15 Ohio Power Siting Board.

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Thursday Morning,
April 23, 2015.

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ALJ WALSTRA: Welcome, everyone.
The Power Citing Board of Ohio has called
the for hearing at this time and place Case No.
14-1280-EL-BSB being In the Matter of the
Application of AEP Ohio Transmission Company
Incorporated for a Certificate of Environmental
Compatibility and Public Need for the
Construction of the Gable Substation Project.

My name is Nick Walstra, I am the
Administrative Law Judge assigned by the Board
to hear this case.

Before we get started I would like
to note that a public hearing was held in this
matter on April 7, 2015 in Brilliant, Ohio.
Public testimony was taken at that time.

Today we are scheduled for the
second portion of the hearing process, and that
is the evidentiary hearing. This hearing is
dedicated to the expert testimony in
consideration of the joint stipulation which was
filed in this case.

I would like to begin by taking

appearances of the parties. On behalf of AEP Ohio.

MR. KUMAR: Yes, your Honor. Ajay Kumar here on behalf of AEP Ohio Transmission Company, 1 Riverside Plaza, Columbus, Ohio 43215, 29th Floor.

Along with Steven T. Nourse, Matthew Satterwhite, and Yazen Alami appearing in the record.

ALJ WALSTRA: Thank you. Staff.

MS. JOHNSON: Yes. Your Honor, good morning. On behalf of the Staff of the Ohio Power Siting Board, Mike DeWine, Attorney General; William Wright, Section Chief; and Katie Johnson, Assistant Attorney General, 180 East Broad Street, Columbus, Ohio 43215.

ALJ WALSTRA: Thank you. Do we have any procedural matters before we begin?

MS. JOHNSON: Your Honor, I would like to note for the record, I think just to be clear, that the case number in this case is 14-1280-EL-BSB.

ALJ WALSTRA: Yes.

MS. JOHNSON: I thought you had stated something different.

1 ALJ WALSTRA: Yes. 14-1280-EL-BSB.

2 MS. JOHNSON: Thank you, Your
3 Honor.

4 ALJ WALSTRA: Okay. With no
5 procedural matters, AEP, it's your application.
6 You may proceed.

7 MR. KUMAR: Yes, your Honor. On
8 April 10, 2015 we reached a stipulation with the
9 Staff of the Ohio Power Citing Board, and we are
10 prepared to move forward with testimony in
11 support of that.

12 ALJ WALSTRA: Okay. You may go
13 ahead.

14 MR. KUMAR: We would like to call
15 Todd Sides to the stand.

16 ALJ WALSTRA: Okay.

17 (WITNESS SWORN)

18 - - -

19 TODD A. SIDES
20 called as a witness, being first duly sworn,
21 testified as follows:

22 DIRECT EXAMINATION

23 By Mr. Kumar:

24 Q. Mr. Sides, could you please state
25 your name and business address for the record?

1 A. Todd Sides, and I work at 700
2 Morrison Road, Gahanna, Ohio.

3 Q. And by whom are you employed and in
4 what capacity?

5 A. I am a project manager for the
6 American Electric Power Company for Ohio
7 transmission.

8 Q. And what is the relationship of your
9 position to this project?

10 A. I am the project manager running
11 this project.

12 MR. KUMAR: Your Honor, I would like
13 to have some exhibits marked.

14 ALJ WALSTRA: Sure.

15 MR. KUMAR: I would like to mark AEP
16 Ohio Transco Exhibit No, 1. And this is the
17 application filed on November 6th, and together
18 with the supplement filed on February 24th, and
19 certified as complete by the Board on January
20 6th.

21 AEP Ohio Transco Exhibit No. 2,
22 which is the proof of publication filed on
23 October 1st, 2014.

24 AEP Ohio Transco Exhibit No. 3,
25 which is the proof of publication filed on March

1 2, 2015.

2 And AEP Ohio Transco Exhibit No. 4,
3 which is the proof of publication filed on April
4 9th, 2015.

5 And then I would also like to mark
6 Joint Exhibit No. 1, which is the Joint
7 Stipulation and Recommendation.

8 ALJ WALSTRA: So marked.

9 (EXHIBITS HEREBY MARKED FOR
10 IDENTIFICATION PURPOSES)

11 MR. KUMAR: Also I guess AEP Ohio
12 Transco Exhibit No. 5, which is the prefiled
13 testimony of Todd Sides.

14 ALJ WALSTRA: So marked.

15 (EXHIBIT MARKED FOR IDENTIFICATION)

16 Q. Mr. Sides, do you have a copy of the
17 testimony in front of you?

18 A. Yes, I do.

19 Q. Was this testimony prepared by you
20 or under your direction?

21 A. Yes, it was.

22 Q. Do you have any changes or
23 corrections to the testimony?

24 A. No, I don't.

25 Q. Does this testimony support

1 the settlement reached between Staff and the
2 company in this case?

3 A. Yes.

4 Q. Could you turn to page 9 of the
5 stipulation? Are you familiar with AEP Ohio
6 Transco Exhibit No. 1, the application and
7 the supplement?

8 A. Yes.

9 Q. Are you familiar with AEP Ohio
10 Transco Exhibit No. 2, the proof of publication
11 filed on October 1st?

12 A. Yes.

13 Q. AEP Ohio Transco Exhibit No. 3, the
14 proof of publication filed on March 2nd?

15 A. Yes.

16 Q. And AEP Ohio Transco Exhibit No. 4,
17 the proof of publication filed on April 9th?

18 A. Yes.

19 Q. And then the Joint Exhibit No. 1,
20 which is the Stipulation and Recommendation?

21 A. Yes.

22 Q. Could you authenticate these
23 exhibits?

24 A. Yes.

25 MR. KUMAR: At this point, your

1 Honor, I would like to move those exhibits into
2 the record.

3 ALJ WALSTRA: Okay. We will wait
4 for any cross-examination before we move on
5 those motions.

6 MR. KUMAR: Okay.

7 Q. And the Joint Stipulation is also
8 attached as part of your testimony, is it not,
9 Mr. Sides?

10 A. Yes, it is.

11 Q. And you are supporting that as part
12 of your testimony as well?

13 A. Yes.

14 MR. KUMAR: Your Honor, at this
15 point I have actually a few more questions as a
16 result of some public comments that were
17 recently filed in the docket. May I go forward
18 with those?

19 ALJ WALSTRA: Go ahead.

20 Q. Mr. Sides, could you explain some of
21 advantages of the preferred site over the
22 alternate site?

23 A. Yes, I can. The preferred site
24 where it's located in proximity to the
25 north-south lines of the Tidd Sunnyside has

1 minimal distance that we will have to travel at
2 that point for the connection.

3 The alternate site is farther south.
4 So, we would have a greater cost associated with
5 that.

6 That is some or the majority of
7 them. And we did look at other sites in the
8 area, five other sites. And those did not work
9 out as well as the preferred site as far as
10 proximity to the line, the ultimate connection.

11 Also this started out as a switch
12 pole and a distribution center three years ago.

13 Q. Will runoff affect any of the
14 residences?

15 A. Runoff at the time of completion
16 will not affect any of the residents. We are
17 leveling out the site, and we have retention
18 ponds at the front of the site, and we will have
19 swells around the station itself to retain the
20 water.

21 Q. And how does the lighting system at
22 the station work?

23 A. The lighting system is based on task
24 lighting, so whenever there is somebody
25 occupying the station that is when the lights

1 will be on at that time. Other than that there
2 should not be any lighting, and it should be
3 minimal at that point.

4 Q. And are there any provisions in the
5 stipulation that address lighting?

6 A. Yes. No. 9, we need to provide a
7 lighting plan that would address any aesthetic
8 impacts to the facility from the Board.

9 Q. And once in service will the station
10 increase any noise in the area?

11 A. Noise in the area will be minimized.
12 The station itself should not add any noise to
13 the area at all.

14 MR. KUMAR: Thank you. At this
15 point I would like to make the witness available
16 for cross-examination.

17 ALJ WALSTRA: Thank you. Ms.
18 Johnson.

19 MS. JOHNSON: One moment, your
20 Honor, please.

21 ALJ WALSTRA: Okay.

22 MS. JOHNSON: Thank you, your
23 Honor.

24 CROSS-EXAMINATION

25 By Ms. Johnson:

1 Q. Just one question. You mentioned
2 that the site would be leveled. What do you
3 mean by leveling the site?

4 A. Right now the site slopes from I
5 want to say south to north about 30 feet is the
6 grade increase. What we are going to do is
7 bring the site down, grade it more to the level
8 of the road.

9 And at the rear of the site we will
10 have a slope to accommodate bringing the site
11 down to the level appropriate at that grade at
12 the road so we don't have to go up a slope to
13 get onto the station.

14 Also what that does is that from the
15 residents to the north and northeast it will
16 help block any of their views of that by
17 dropping the site down that 30 feet. And then
18 with the trees that are there and existing will
19 also help block the view.

20 Q. You mentioned that there would be a
21 slope. What do you mean by a slope?

22 A. The slope of the station is one and
23 a half percent grade. The slope at the back of
24 this station to tie into the existing grading
25 will be, I don't know what the angle

1 specifically is, but it would probably be about
2 a 45 degree angle. And that avoid a retaining
3 wall.

4 Q. So, the company intends on
5 maintaining that slope at the back of the site?

6 A. The slope will be at the correct
7 angle so that it can have vegetation grow on it,
8 and have natural vegetation.

9 Q. So when you say the site will be
10 leveled you mean that the substation site itself
11 will be leveled, but the entire site will not be
12 leveled?

13 A. That's correct. Within the fence we
14 need a one and a half percent slope to have
15 positive drainage away from the equipment and
16 into the retention ponds. So outside the fence
17 will have a greater slope at that point.

18 MS. JOHNSON: Your Honor, may we
19 have just another moment, please?

20 ALJ WALSTRA: Certainly.

21 MS. JOHNSON: You Honor, at this
22 time I have no further questions.

23 ALJ WALSTRA: Thank you. Any
24 redirect?

25 MR. KUMAR: No, your Honor.

1 ALJ WALSTRA: Thank you. You are
2 excused. Do you want to deal with your
3 exhibits now?

4 MR. KUMAR: Yes.

5 ALJ WALSTRA: Any objection?

6 MS. JOHNSON: No, your Honor.

7 ALJ WALSTRA: They will be admitted.

8 (EXHIBITS HEREBY ADMITTED INTO
9 EVIDENCE)

10 ALJ WALSTRA: Mr. Kumar, further
11 witnesses?

12 MR. KUMAR: No, your Honor.

13 ALJ WALSTRA: Ms. Johnson, Staff, do
14 you have any witnesses?

15 MS. JOHNSON: Yes, your Honor. If
16 we could just have one moment, please.

17 ALJ WALSTRA: Sure.

18 MS. JOHNSON: Your Honor, at this
19 time I would like to call Mr. Derek Collins to
20 the stand.

21 (WITNESS SWORN)

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23 DEREK F. COLLINS

24 called as a witness, being first duly sworn,
25 testified as follows:

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DIRECT EXAMINATION

By Ms. Johnson:

Q. Good morning, Mr. Collins.

A. Good morning.

Q. Could you please state your name and your business address for the record?

A. My name is Derek F. Collins. Business address is 180 East Broad Street, 6th Floor, Columbus, Ohio 43215.

Q. And by whom are you employed and in what capacity?

A. Employed by the Public Utilities Commission of Ohio. In this particular sense I am working with the Ohio Power Siting Board.

Q. And did you prepare and pre-file direct testimony in this case?

A. Yes, I did.

MS. JOHNSON: Your Honor, at this time I would like to mark Staff witness Collins pre-filed direct testimony as Staff Exhibit No. 1.

ALJ WALSTRA: So marked.

(EXHIBIT HEREBY MARKED FOR IDENTIFICATION PURPOSES)

Q. Mr. Collins, if I were to ask you

1 the questions that are contained in your
2 testimony would your answers to be same?

3 A. Yes, they would.

4 Q. And do you have any corrections,
5 additions or changes to your testimony?

6 A. No, I do not.

7 Q. And, Mr. Collins, did you prepare or
8 assist in preparing a Staff Report in this case?

9 A. Yes, I did.

10 MS. JOHNSON: Your Honor, I would
11 like to mark the Staff Report as Staff Exhibit
12 No. 2.

13 ALJ WALSTRA: So marked.

14 (EXHIBIT HEREBY MARKED FOR
15 IDENTIFICATION PURPOSES)

16 MS. JOHNSON: Your Honor, may I
17 approach?

18 ALJ WALSTRA: You may.

19 Q. Mr. Collins, what is the date that
20 is on the Staff Report?

21 A. March 23rd, 2015.

22 Q. And what was your role in the
23 preparation of the Staff Report?

24 A. I was the project lead.

25 Q. And what do you mean by project

1 lead?

2 A. I assisted in the writing and
3 compilation of the report itself.

4 Q. And do you agree with
5 the information and recommendations contained in
6 the Staff Report?

7 A. Yes, I do.

8 Q. Do you have any corrections,
9 additions or modifications that you would like
10 to make with the Staff Report?

11 A. No, I do not.

12 Q. Mr. Collins, are there any
13 recommended conditions in the Staff Report that
14 address the aesthetic impacts of the property
15 for the project.

16 A. Yes, it does.

17 Q. Could you please direct us to the
18 portion of the Staff Report?

19 A. It's on page 30 under Socioeconomic
20 Conditions. And condition No. 9.

21 Q. Could you please read condition No.
22 9?

23 A. No. 9 reads "Prior to commencement
24 of any construction, the Applicant shall prepare
25 a landscape and lighting plan that addresses the

1 aesthetic impacts of the facility. The
2 Applicant shall consult with adjacent property
3 owners in the development of this plan and
4 endeavor to incorporate the existing topographic
5 ridge and tress on the site to the extent
6 practicable, and provide the plan to Staff for
7 review and confirmation that it complies with
8 this condition."

9 Q. Thank you, Mr. Collins. And is this
10 recommended condition contained as a condition
11 in the stipulation that was filed?

12 A. Yes, it is.

13 Q. And does Staff support this
14 stipulation?

15 A. Yes, it does.

16 Q. And, Mr. Collins, are there any
17 other portions of the Staff Report that address
18 the sloping and grading of the site?

19 A. Yes, it does.

20 Q. Could you please show us that
21 portion of the Staff Report?

22 A. On page 19 under "Minimizing
23 Impacts."

24 Q. Okay. Could you show us the
25 particular language that addresses the sloping

1 and grading at the site?

2 A. In the first paragraph, and I will
3 start at the second sentence, it says "The
4 preferred site situated in closer proximity to
5 more residences, but the majority of those
6 residences are located on or near the toe of the
7 back side of the existing slope on the subject
8 property."

9 It goes further to say that "Cutting
10 into the hill/slope and keeping a ridge as well
11 as some of the existing trees on-site, rather
12 than eliminating the ridge," and when we say
13 eliminate that would be grading it completely
14 off, "would help screen the station to neighbors
15 to the east and north."

16 In other words, trying to eliminate
17 the visual impact of seeing the facility itself.
18 So it's being cut into or benched into the
19 hillside itself.

20 Q. And so you are saying that the Staff
21 would expect that the cutting and sloping of the
22 site to be done in this manner?

23 A. Correct.

24 Q. That is described on page 19?

25 A. Correct. And then further supported

1 by the condition that we read previously, that
2 said working with the neighbors to basically
3 aesthetically put the facility in a way that it
4 doesn't provide any kind of visual affects.

5 MS. JOHNSON: Thank you, Mr.
6 Collins. May I have one moment, please, your
7 Honor?

8 ALJ WALSTRA: You may.

9 MS. JOHNSON: Your Honor, at this
10 time I have no further questions for Mr.
11 Collins, and I would like to open him for
12 cross-examination.

13 ALJ WALSTRA: Thank you. Mr. Kumar.

14 MR. KUMAR: Just one question, your
15 Honor.

16 CROSS-EXAMINATION

17 By Mr. Kumar:

18 Q. Mr. Collins, is the sloping, I guess
19 the condition -- Mr. Collins, were you present
20 for Mr. Sides' testimony just a few minutes ago?

21 A. Yes, I was.

22 Q. And did you listen to his testimony
23 regarding the grading and sloping of the site?

24 A. Yes, I did.

25 Q. Is that consistent with the Staff

1 Report and the stipulation?

2 A. Yes. It appears to be, yes.

3 MR. KUMAR: No further questions,
4 your Honor.

5 ALJ WALSTRA: Thank you. Any
6 redirect?

7 MS. JOHNSON: No further questions,
8 your Honor. Thank you.

9 ALJ WALSTRA: Thank you. Thank you.
10 You may step down.

11 MS. JOHNSON: Your Honor, at this
12 time I would like to move for the admission of
13 Staff Exhibits No. 1 and No. 2.

14 ALJ WALSTRA: Any objections?

15 MR. KUMAR: No objections, your
16 Honor.

17 ALJ WALSTRA: They will be admitted.

18 (EXHIBITS HEREBY ADMITTED INTO
19 EVIDENCE)

20 ALJ WALSTRA: Any further
21 witnesses, Ms. Johnson?

22 MS. JOHNSON: No, your Honor.

23 ALJ WALSTRA: Anything else to come
24 before us today?

25 MR. KUMAR: No, your Honor. Has it

1 already been moved into evidence, the
2 stipulation of the case?

3 ALJ WALSTRA: I believe I admitted
4 that when you moved your other exhibits. But it
5 has been admitted.

6 MR. KUMAR: Thank you, Your Honor.

7 ALJ WALSTRA: I would note that some
8 of the adjacent property owners are here today.
9 They previously gave testimony, and I want to
10 thank them for coming down today.

11 The Power Siting Board will take
12 into consideration the evidence that was
13 presented here today, they will take into
14 consideration the testimony that was given at
15 the public hearing, as well as the public
16 comments that were filed.

17 And hearing nothing further we are
18 adjourned. Thank you.

19 (At 10:30 A.M. the hearing was
20 concluded)

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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 April
23, 2015, and carefully compared with my
original stenographic notes.

Michael O. Spencer,
Registered Professional
Reporter.

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in

Case No(s). 14-1280-EL-BSB

Summary: Transcript in the matter of AEP Ohio Transmission Company hearing held on 04/23/15 electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Spencer, Michael O. Mr.