

BEFORE THE OHIO POWER SITING BOARD

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In the Matter of the :  
Application of American :  
Transmission Systems, :  
Incorporated for a :  
Certificate of :  
Environmental : Case No. 14-2162-EL-BSB  
Compatibility and Public :  
Need for the Lake Avenue :  
Substation Project. :

- - -

PROCEEDINGS

before Sarah Parrot, Administrative Law Judge, at the  
Public Utilities Commission of Ohio, 180 East Broad  
Street, Room 11-C, Columbus, Ohio, called at 10:00  
a.m. on Wednesday, August 26, 2015.

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1 APPEARANCES:

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3 By Robert J. Schmidt, Jr.  
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6  
7 On behalf of American Transmission  
8 Systems, Incorporated.

9  
10 Mike DeWine, Ohio Attorney General  
11 By John Jones  
12 Assistant Attorney General  
13 Public Utilities Section  
14 180 East Broad Street, 6th Floor  
15 Columbus, Ohio 43215

16  
17 On behalf of the Staff of the Ohio Power  
18 Siting Board.

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Wednesday Morning Session,  
August 26, 2015.

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ADMINISTRATIVE LAW JUDGE: The Ohio Power  
Siting Board has called for hearing at this time and  
place Case No. 14-2162-EL-BSB, being In the Matter of  
the Application of American Transmission Systems,  
Inc. for a Certificate of Environmental Compatibility  
and Public Need for the Construction of the Lake  
Avenue Substation Project.

Good morning, everyone. My name is  
Sarah Parrot. I'm the Administrative Law Judge  
assigned by the Board to hear this case. At this  
time, let's get started with appearances beginning  
with the Company.

MR. SCHMIDT: Good morning. Rob Schmidt  
with the law firm of Porter, Wright, Morris and  
Arthur, 41 South High Street, Columbus, Ohio, 43215,  
on behalf of the Applicant American Transmissions  
Systems, Incorporated.

ADMINISTRATIVE LAW JUDGE: Thank you. On  
behalf of the Staff.

MR. JONES: Good morning, your Honor, on  
behalf of Staff, the Ohio Power Siting Board, Ohio  
Attorney General Mike DeWine, Assistant Attorney

General John Jones, 180 East Broad Street, Columbus,  
Ohio, 43215.

ADMINISTRATIVE LAW JUDGE: Thank you. Do  
we have any members of the general public present  
with us today?

(No response.)

ADMINISTRATIVE LAW JUDGE: Let the record  
reflect that we have no members of the general public  
present.

Are there any preliminary matters that  
the parties would wish to address before we get  
started with our exhibits and witness for the day?

MR. SCHMIDT: No, ma'am.

MR. JONES: No.

ADMINISTRATIVE LAW JUDGE: I'll turn  
things over to you, Mr. Schmidt.

MR. SCHMIDT: Thank you, your Honor. The  
Applicant American Transmission Systems, Incorporated  
would like to call as its witness in this case  
Miss Nataliya Bryksenkova.

ADMINISTRATIVE LAW JUDGE: Very good.  
Please raise your right hand. Do you swear or affirm  
the testimony you're about to give will be the truth?

THE WITNESS: Yes.

ADMINISTRATIVE LAW JUDGE: Please have a

1 seat.

2 - - -

3 NATALIYA BRYKSENKOVA

4 being first duly sworn, as prescribed by law, was  
5 examined and testified as follows:

6 DIRECT EXAMINATION

7 By Mr. Schmidt:

8 Q. Good morning, Miss Bryksenkova. Can you  
9 please state your name and spell it for the record?

10 A. Nataliya Bryksenkova, N-A-T-A-L-I-Y-A  
11 B-R-Y-K-S-E-N-K-O-V-A.

12 Q. Thank you. Miss Bryksenkova, can you  
13 tell us where you presently work?

14 A. FirstEnergy.

15 Q. What is the business address that you use  
16 for FirstEnergy?

17 A. 76 South Main Street, Akron, Ohio, 44308.

18 Q. How long have you worked for FirstEnergy?

19 A. For approximately five-and-a-half years.

20 Q. Can you tell us what your current  
21 position is with FirstEnergy?

22 A. My current position is an engineer for  
23 the Transmission Engineering Group.

24 Q. How long have you been in this current  
25 position?

1           A.     For approximately ten months.

2           Q.     Thank you. Miss Bryksenkova, do you  
3 recall preparing Initial Testimony in this matter?

4           A.     Yes.

5           Q.     Was this Initial Testimony filed in the  
6 docket in this matter?

7           A.     Yes.

8           Q.     I would like to draw your attention to  
9 what has been marked for identification purposes as  
10 Applicant's Exhibit No. 3 which should be in front of  
11 you. Do you see that?

12          A.     Yes.

13          Q.     Do you have that document in front of  
14 you?

15          A.     Yes.

16          Q.     Are you familiar with this document?

17          A.     Yes.

18          Q.     Can you tell me what this document is?

19          A.     This document is my initial testimony.

20          Q.     Did you prepare this testimony yourself?

21          A.     Yes.

22          Q.     Is the information contained in this  
23 Initial Testimony true and accurate to the best of  
24 your information and belief?

25          A.     Yes.

1           Q.    Are there any changes that you would like  
2           to make at this time to any of the responses that are  
3           contained in this Initial Testimony?

4           A.    I have one remark.  I stated on Page 3  
5           that I'm in this position since November of 2014, and  
6           truly I am in this position since October of 2014.

7           Q.    So with that one minor correction, the  
8           information contained in your testimony is true and  
9           accurate?

10          A.    Yes.

11          Q.    If I were to ask you the same questions  
12          today that are contained in this Initial Testimony,  
13          would your responses be the same?

14          A.    Yes.

15          Q.    Miss Bryksenkova, we have discussed  
16          previously what is going to be referred to as  
17          Applicant's Exhibit No. 1.  When I say Applicant's  
18          Exhibit 1, do you know what that is?

19          A.    Yes.

20          Q.    Can you tell me what that Exhibit would  
21          be?

22          A.    This is the Application.

23          Q.    The Application for what?

24          A.    The Application for the Lake Avenue  
25          Substation Project.



1           Q.    And that is the project that is the  
2           subject of this hearing?

3           A.    Yes.

4           Q.    What was your involvement in the  
5           preparation of that document?

6           A.    I was responsible for working with  
7           internal and external resources, responsible for  
8           collecting and compiling the information, responsible  
9           for preparation of the Application and for filing it  
10          with the OPSB.

11          Q.    Can you generally describe what the  
12          project entails?

13          A.    The project proposes to construct a 345  
14          to 138 kilovolt Lake Avenue Substation.

15          Q.    As the person responsible for collecting  
16          and preparing the Application, to the best of your  
17          information and belief, is the information contained  
18          in the Application which is marked as Applicant's  
19          Exhibit 1 true and accurate?

20          A.    Yes.

21          Q.    Miss Bryksenkova, I would like to direct  
22          your attention to what has been marked for  
23          identification purposes as Applicant's Exhibit 2. It  
24          should be in front of you. Do you have that document  
25          in front you?

1 A. Yes.

2 Q. Have you seen this document before?

3 A. Yes.

4 Q. Can you tell me what this document is?

5 A. This document is a copy of the Public --  
6 the first and second Public Notices publicized in the  
7 local newspapers, Proof of Publication, letters of  
8 property owners in the area, letters to property  
9 owners in the area.

10 Q. Would this Exhibit constitute the  
11 documentation of compliance with the public notice  
12 provisions of the requirements of the Board's rule?

13 A. Yes.

14 Q. Were you responsible for ensuring that  
15 the Property Owner notice letters contained in  
16 Applicant's Exhibit 2 were mailed?

17 A. Yes.

18 Q. Were they, in fact, mailed?

19 A. Yes.

20 Q. Were you responsible for ensuring that  
21 the Public Notices, both the first and second Public  
22 Notices, were provided to local newspapers for  
23 publication?

24 A. Yes.

25 Q. Were those first and second Public

1 Notices actually published?

2 A. Yes.

3 Q. How do you know that?

4 A. I have copies of Proof of Publication.

5 Q. And those are included in Applicant's  
6 Exhibit 2?

7 A. In the Exhibit.

8 Q. Can you speak up? Those are included in  
9 Applicant's Exhibit 2?

10 A. Yes.

11 Q. Miss Bryksenkova, I would also like to  
12 direct your attention now to what has been marked for  
13 identification purposes as Joint Exhibit 1. That  
14 should also be in front of you. Do you have that  
15 document in front of you?

16 A. Yes.

17 Q. Have you seen this document before?

18 A. Yes.

19 Q. Can you tell me what this document is?

20 A. This is a Joint Stipulation.

21 Q. Between?

22 A. Between the Applicant, ATSI and OPSB  
23 Staff.

24 Q. Does this Joint Stipulation represent the  
25 written agreement between the parties concerning this

1 proceeding?

2 A. Yes.

3 Q. Does this Joint Stipulation identified as  
4 Joint Exhibit 1 contain recommended conditions for  
5 the project?

6 A. Yes.

7 Q. Are those recommended conditions found in  
8 the Joint Exhibit 1 the same as those found in the  
9 Staff Report of Investigation?

10 A. Yes.

11 Q. Is ATSI as the Applicant prepared to  
12 construct the project if approved by the Board in  
13 accordance with the conditions recommended in the  
14 Joint Stipulation?

15 A. Yes.

16 Q. To the best of your knowledge, does the  
17 Joint Stipulation represent a reasonable agreement  
18 between the parties in this case?

19 A. Yes.

20 Q. Was this agreement as represented in the  
21 Joint Stipulation reached by the parties after  
22 serious discussions and negotiations?

23 A. Yes.

24 Q. To the best of your knowledge, were the  
25 parties represented by competent counsel in these

1 discussions?

2 A. Yes.

3 Q. Is the agreement represented by the Joint  
4 Stipulation in the public interest?

5 A. Yes.

6 Q. Why?

7 A. The proposed project will ensure the  
8 reliable electric service in the area.

9 Q. Would it be fair to say that the project  
10 is needed to ensure reliable electric service in the  
11 project area?

12 A. Yes.

13 Q. The provision of reliable electric  
14 service in the project area is in the public  
15 interest, in your opinion?

16 A. Yes.

17 Q. Would the Joint Stipulation ensure that  
18 the project is constructed which would ensure that  
19 the project serves the public interest?

20 A. Yes.

21 Q. To the best of your knowledge, does the  
22 Joint Stipulation violate any important regulatory  
23 principle that you're aware of?

24 A. No.

25 Q. Do you recommend on behalf of the

1 Applicant that the Board adopt the recommendations  
2 and the conditions included in the Joint Stipulation?

3 A. Yes.

4 MR. SCHMIDT: I have no further questions  
5 for this witness.

6 ADMINISTRATIVE LAW JUDGE: Thank you.  
7 Does the Staff have any questions?

8 MR. JONES: No questions, your Honor.

9 ADMINISTRATIVE LAW JUDGE: Thank you very  
10 much. You're excused.

11 All right. We have marked for  
12 identification purposes Applicant Exhibit 1 which is  
13 the Application that was filed on March 6, 2015 and  
14 has been docketed.

15 We've also marked for identification  
16 purposes Applicant Exhibit 2 which are the Proofs of  
17 Publication that were filed, I believe, on July 1st  
18 and July 30th, as well as the letters to the local  
19 property owners that are impacted by the proposed  
20 project.

21 And finally, we've marked for  
22 identification purposes Applicant's Exhibit No. 3  
23 which is the prefiled testimony of Nataliya  
24 Bryksenkova. Excuse me, I probably butchered that,  
25 and I apologize.

1                   And we also marked for identification  
2                   purposes Joint Exhibit No. 1 which is the Joint  
3                   Stipulation and Recommendation that was filed between  
4                   ATSI and the Board Staff on August 25, 2015. Are  
5                   there any objections to the admission of any of these  
6                   exhibits?

7                   MR. JONES: No objection.

8                   ADMINISTRATIVE LAW JUDGE: Hearing none,  
9                   all of the exhibits, Applicant's Exhibits 1, 2, 3 and  
10                  Joint Exhibit No. 1 are admitted.

11                  (APPLICANT'S EXHIBITS 1 THROUGH 3 AND  
12                  JOINT EXHIBIT 1 ADMITTED INTO EVIDENCE.)

13                  ADMINISTRATIVE LAW JUDGE: Mr. Jones, I  
14                  think I will bring things over to you at this point.  
15                  I'm guessing we have a few more exhibits.

16                  MR. JONES: Yes, thank you, your Honor.  
17                  Staff has two exhibits, and I believe that  
18                  Mr. Schmidt has no objection to stipulating to those  
19                  exhibits being admitted into evidence.

20                  Those exhibits would be Staff Exhibit 1,  
21                  the Staff Report of Investigation that was filed in  
22                  this docket on July 28th, 2015, as well as Staff  
23                  Exhibit 2, the Prefiled Testimony of James O'Dell  
24                  that was filed August 21st, 2015. Staff would like  
25                  to move for the admission of Staff Exhibits 1 and 2.

1 ADMINISTRATIVE LAW JUDGE: All right.  
2 The exhibits are so marked. Mr. Schmidt, do you have  
3 any objections to their admission?

4 MR. SCHMIDT: No, your Honor.

5 ADMINISTRATIVE LAW JUDGE: All right.  
6 Hearing none, Staff Exhibits No. 1 and No. 2 are  
7 admitted into the record.

8 (STAFF EXHIBITS 1 AND 2 ADMITTED INTO  
9 EVIDENCE.)

10 ADMINISTRATIVE LAW JUDGE: Is there  
11 anything else to come before the Board this morning?

12 MR. JONES: No, your Honor.

13 MR. SCHMIDT: No, your Honor.

14 ADMINISTRATIVE LAW JUDGE: Hearing  
15 nothing, then we are adjourned. Thank you, everyone.

16 (The hearing was adjourned at 10:12 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 Wednesday, August 26,  
2015, and carefully compared with my original  
stenographic notes.

\_\_\_\_\_  
Cynthia L. Cunningham

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**in**

**Case No(s). 14-2162-EL-BSB**

Summary: Transcript in the matter of American Transmission Systems, Inc. hearing held on 08/26/15 electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Cunningham, Cindy