

BEFORE THE OHIO POWER SITING BOARD

- - -

In the Matter of the Application:
of Harrison Power LLC for a :Case No.
Certificate of Environmental : 17-1189-EL-BGN
Compatibility and Public Need :
for the Harrison Power Plant :
in Harrison County. :

- - -

PROCEEDINGS

Before Jay Agranoff, Administrative Law Judge,
held at the Public Utilities Commission of Ohio,
180 East Broad Street, Hearing Room 11-C,
Columbus, Ohio, on Thursday, May 31, 2018, at
2:00 P.M.

- - -

Armstrong & Okey, Inc.
222 East Town Street, 2nd Floor
Columbus, Ohio 43215
(614) 224-9481 - (800) 223-9481

- - -

APPEARANCES:

Vorys, Sater, Seymour and Pease LLP
By Mr. Michael J. Settineri
52 East Gay Street
Columbus, Ohio 43216-1008
and
Mr. Erick Bauer
122 North Broadway
New Philadelphia, Ohio 44663

On behalf of the Applicant.

Kincaid, Taylor & Geyer
By Mr. William Taylor
and
Mr. Ryan Linn
50 N. 4th Street
Zanesville, Ohio 43702

On behalf of Hess Ohio Development
LLC and CNX Gas Company LLC.

Bricker & Eckler
By Mr. Dylan Borchers
100 South Third Street
Columbus, Ohio 43215

On behalf of Community Improvement
Corporation.

Mr. John Jones
Assistant Attorney General
30 East Broad Street, 16th Floor
Columbus, Ohio 43215

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

- - -

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX TO WITNESSES			
	-	-	-
	DIRECT	CROSS	ALJ
APPLICANT'S WITNESSES			
Stephen Goff	8		13
Jill Vovaris	16		18
STAFF'S WITNESSES			
Jon C. Pawley	26		30

- - -

INDEX TO EXHIBITS

- - -

MARKED ADMT

APPLICANT'S EXHIBITS

1	Application	8	25
2	Proof of Publication and Notice	8	25
3	Notice Regarding Modification of Project Footprint	8	25
4	Direct Testimony of Stephen Goff	9	25
5	Direct Testimony of Jill Vovaris	16	25
6	Direct Testimony of Ankit Chadha	18	25
7	Supplemental Direct Testimony of Stephen Goff	9	25
8	Notice of Filing Responses to Staff Data Requests	9	25

JOINT EXHIBITS

1	Joint Stipulation and Recommendation	9	25
---	--------------------------------------	---	----

STAFF EXHIBITS

1	Staff Report of Investigation	27	31
2	Prefiled Testimony of Jon C. Pawley	27	31

- - -

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Thursday Afternoon,
May 31, 2018.

- - -

ALJ AGRANOFF: The Ohio Power
Siting Board has assigned for evidentiary
hearing at this time and place Case No.
17-1189-EL-BGN which is captioned In the Matter
of the Application of Harrison Power LLC for
Certificate of Environmental Compatibility and
Public Need for an Electric Generating Facility
in Harrison County, Ohio.

My name is Jay Agranoff, and I am
the Administrative Law Judge assigned by
the Ohio Power Siting Board to preside over this
evidentiary hearing.

At this point in time we will take
the appearances on behalf of the parties. On
behalf of the Applicant.

MR. SETTINERI: Thank you, Your
Honor. On behalf of Harrison Power LLC Michael
Settineri, MacDonald Taylor with the law firm of
Vorys, Sater, Seymour and Pease, 52 East Gay
Street, Columbus, Ohio.

Also with me today is Erick Bauer.

MR. BAUER: Good afternoon. Erick

1 Bower. My law office is Erick Bauer Law
2 Offices. I am at 122 North Broadway, New
3 Philadelphia, Ohio 44663. And I represent
4 Harrison Power LLC.

5 ALJ AGRANOFF: Thank you. On behalf
6 of interveners. Start with Hess/CNX.

7 MR. TAYLOR: Your Honor, I am
8 William Taylor, from Kincaid, Taylor & Geyer, in
9 Zanesville. And with me is Ryan Linn. And we
10 represent Hess Ohio Development, LLC and CNX Gas
11 Company, LLC.

12 ALJ AGRANOFF: Thank you. And on
13 behalf of the Community Improvement Corporation.

14 MR. BORCHERS: Good afternoon, Your
15 Honor. Dylan Borchers with the law firm of
16 Bricker & Eckler, 100 South Third Street,
17 Columbus, Ohio.

18 ALJ AGRANOFF: Thank you.

19 MR. JONES: Thank you, Your Honor.
20 Good afternoon. On behalf of the Staff of the
21 Ohio Power Siting Board Ohio Attorney General
22 Mike DeWine, Assistant Attorney General John
23 Jones, 30 East Broad Street, Columbus, Ohio
24 43215.

25 ALJ AGRANOFF: I know that we had a

1 public hearing on April 5th, 2018 in Cadiz,
2 Ohio, and that the evidentiary hearing in this
3 matter had been rescheduled on three different
4 occasions at the request of the parties.

5 And I know that there have been some
6 filings in this proceeding with respect to a
7 joint stipulation that has been reached between
8 the parties.

9 Would counsel for one of the parties
10 care to give me an update at this point in time
11 where things currently stand?

12 MR. SETTINERI: Well, in regards to
13 the Joint Stipulation that's been signed and
14 executed and filed in the docket, and Mr. Goff
15 will be sponsoring that today as the first
16 witness for the Applicant.

17 ALJ AGRANOFF: Okay. Thank you.
18 And at this point in time is the Applicant ready
19 to proceed?

20 MR. SETTINERI: Yes, Your Honor.

21 ALJ AGRANOFF: Is there anything
22 else from the parties that we need to address
23 prior to the calling of the first witness?

24 Okay. If not, if you would please stand, sir.

25 (WITNESS SWORN)

1 MR. SETTINERI: Your Honor, at this
2 time we will have Stephen Goff come to the
3 stand, and having been already sworn in.

4 - - -

5 STEPHEN GOFF
6 called as a witness, being first duly sworn,
7 testified as follows:

8 DIRECT EXAMINATION

9 By Mr. Settineri:

10 Q. Mr. Goff, would you, please, state
11 your name and business address for the record,
12 please?

13 A. My name is Stephen Goff. My
14 business address is 3000 Wilcrest, Suite 200,
15 Houston, Texas 77042.

16 MR. SETTINERI: And, Your Honor, at
17 this time we would like to mark a number of
18 exhibits.

19 ALJ AGRANOFF: Please proceed.

20 MR. SETTINERI: Thank you. We will
21 start first and mark as Applicant Exhibit 1 the
22 Application in this proceeding.

23 Applicant Exhibit 2 are proofs of
24 publications and notice.

25 Applicant Exhibit 3, Notice

Regarding Modification of Project Footprint.

Applicant Exhibit 4, direct testimony of Stephen Goff.

Applicant Exhibit 7, Supplemental Direct Testimony of Stephen Goff.

Applicant Exhibit 8, Notice of Filing Responses to Staff Data Requests.

And Joint Exhibit 1, which is a Joint Stipulation and Recommendation.

(EXHIBITS HEREBY MARKED FOR IDENTIFICATION PURPOSES)

ALJ AGRANOFF: Please proceed.

MR. SETTINERI: Thank you.

Q. Mr. Goff, I would like to walk you through the exhibits that have just been marked.

Could you please identify for the record what has been marked as Applicant Exhibit 1?

A. It is the Application to the Ohio Siting Board for a Certificate.

Q. Was that prepared by you or at your direction?

A. Yes.

Q. And can you identify for the record what has been marked as Applicant Exhibit 2,

1 please?

2 A. Proof of Publications Notice.

3 Q. And can you identify what has been
4 marked as Applicant Exhibit 3 for the record,
5 please?

6 A. Yes. That is a notice regarding
7 Modification of the Project Footprint.

8 Q. And that was prepared by you or at
9 your direction?

10 A. Yes.

11 Q. Thank you. Can you identify for the
12 record what's been marked Applicant Exhibit 4?

13 A. That is my direct testimony.

14 Q. And can you identify for the record
15 what has been marked Applicant Exhibit 7,
16 please?

17 A. That is my supplemental direct
18 testimony.

19 Q. Can you identify for the record
20 what's been marked Applicant Exhibit 8, please?

21 A. Yes. That is the Notice of Filing
22 Responses to the Staff's Request.

23 Q. Were those prepared by you or at
24 your direction?

25 A. Yes.

1 Q. Okay. And can you identify for
2 the record what has been marked as Joint Exhibit
3 1, please?

4 A. Yes. That is the Joint Stipulation
5 and Recommendations.

6 Q. And you were involved in the
7 negotiations that led up to that stipulation?

8 A. Yes.

9 Q. If you could turn to your Applicant
10 Exhibit 4, your direct testimony, please, sir.

11 A. Yes.

12 Q. Was that prepared by you or at your
13 direction?

14 A. Yes.

15 Q. Do you have any corrections to your
16 direct testimony today?

17 A. Yes. The name of the company states
18 EmberClear Corporation, where the holding
19 company is actually a partnership. Ember
20 Partners LP.

21 Q. And should that edit be made in
22 Line 2 of your testimony, last word, EmberClear
23 Corporation; is that correct?

24 A. Correct.

25 Q. Any other changes or revisions to

1 your direct testimony?

2 A. No, sir.

3 Q. If I asked you the questions in your
4 direct testimony today would your answers be the
5 same?

6 A. They would.

7 Q. If you could please then turn to
8 what has been marked as Applicant Exhibit 7 and
9 identified as your supplemental direct
10 testimony.

11 A. Yes.

12 Q. Was that prepared by you or at your
13 direction?

14 A. Yes.

15 Q. And do you have any changes or
16 revisions to that testimony?

17 A. I do not.

18 Q. If I asked you the questions today
19 would your answers be the same?

20 A. Yes.

21 MR. SETTINERI: Your Honor, at this
22 time we would make the witness available for
23 cross-examination.

24 ALJ AGRANOFF: Thank you. Does
25 counsel for any of the parties have

1 cross-examination for Mr. Goff?

2 MR. BORCHERS: No, Your Honor.

3 ALJ AGRANOFF: Thank you. I do
4 have a have couple questions, sir, specific to
5 your direct testimony.

6 THE WITNESS: Okay

7 EXAMINATION

8 By ALJ Agranoff:

9 Q. And if you could please turn
10 specifically to 7. Let me know when you are
11 there.

12 A. Okay.

13 Q. And if you take a look at Line 13 in
14 the middle of your response.

15 A. Correct.

16 Q. There is a reference there to "all
17 non-participating residences with noise levels
18 mitigated by incorporating noise-attenuating
19 features."

20 Do you see where that is?

21 A. Yes, sir.

22 Q. Could you give me a better
23 understanding of what the reference to
24 non-participating residences are?

25 A. At this time I would like to defer

1 to Ms. Vovaris if that is okay. She is more the
2 subject matter expert.

3 Q. Okay.

4 A. And --

5 Q. That is fine. And I just want to
6 make it clear that with respect to the Joint
7 Stipulation that you are sponsoring --

8 A. Yes, sir.

9 Q. Could you clarify for me as to the
10 parties to that Joint Stipulation?

11 A. Correct. That would be ourselves,
12 and the Hess Corporation, as well as CNX. And I
13 am not sure --

14 MR. SETTINERI: Your Honor, I think
15 there is a mistake. Are you referring to Joint
16 Exhibit 1, sir?

17 ALJ AGRANOFF: I am referring to the
18 Joint Stipulation that I believe has been marked
19 as Joint Exhibit 1, yes.

20 MR. SETTINERI: Okay.

21 Q. Again my question is simply
22 clarification as to the parties that are
23 signatories to the Joint Stipulation.

24 A. That is ourselves, Hess and CNX.

25 MR. SETTINERI: If I may, Your

1 Honor.

2 ALJ AGRANOFF: If you would like to
3 provide some clarification.

4 MR. SETTINERI: The stipulation was
5 signed by, you will see the stipulation was
6 executed between Harrison Power staff and CIC.
7 And you will see that on page 1 of the
8 stipulation as well as the signature blocks.

9 ALJ AGRANOFF: So what I am seeking
10 is clarification that Hess and CNX are not
11 signatories to the Joint Stipulation.

12 MR. SETTINERI: That's correct.

13 Q. Okay. And do you know why that is,
14 sir? If you know.

15 A. Actually I am not sure. This is
16 more of a regulatory procedure than anything.

17 Q. Since you are the witness that is
18 utilized for the purpose of sponsoring --

19 A. I don't know. I don't know.

20 Q. Okay. All right.

21 A. We came to an agreement, the various
22 parties came to a commercial agreement, and then
23 we had to file with the Siting Board between the
24 Harrison County CIC and ourselves before
25 the Board.

1 ALJ AGRANOFF: Okay. Based on my
2 questions does counsel for any of the parties
3 have any follow-up? Thank you, sir.

4 THE WITNESS: Thank you.

5 MR. SETTINERI: Your Honor, at this
6 time we will call Jill Vovaris to the stand.

7 (WITNESS SWORN)

8 - - -

9 JILL VOVARIS

10 called as a witness, being first duly sworn,
11 testified as follows:

12 MR. SETTINERI: Your Honor, at this
13 time I would like to go ahead and mark as an
14 exhibit, Applicant Exhibit 5, the direct
15 testimony of Jill Vovaris.

16 (EXHIBIT HEREBY MARKED FOR
17 IDENTIFICATION PURPOSES)

18 ALJ AGRANOFF: So marked.

19 DIRECT EXAMINATION

20 By Mr. Settineri:

21 Q. Ms. Vovaris, could you please state
22 your name and address for the record, please?

23 A. Yes. My name is Jill Vovaris and I
24 am with Kleinfelder, 230 Executive Drive, Suite
25 122, Cranberry Township, Pennsylvania 16066.

1 Q. And can you identify for the record
2 what has been marked Applicant Exhibit 5,
3 please?

4 A. Yes. That is the direct testimony
5 of me.

6 Q. And was that direct testimony
7 prepared by you or at your direction?

8 A. Yes.

9 Q. Do you have any changes or
10 corrections to your direct testimony today?

11 A. I do not.

12 Q. Okay. If I asked you the questions
13 that are in your testimony today would your
14 answers be the same?

15 A. Yes.

16 MR. SETTINERI: Thank you. At this
17 time, Your Honor, the witness is available for
18 cross-examination.

19 ALJ AGRANOFF: Thank you. Mr.
20 Settineri, it might be a good idea also if you
21 want to mark Mr. Chadha's testimony at this
22 point in time to the extent that Ms. Vovaris was
23 identified as the witness that would be able to
24 answer questions regarding noise.

25 MR. SETTINERI: I would be glad to.

At this time, Your Honor, as well we would mark as Applicant Exhibit 6 the direct testimony of Ankit Chadha.

(EXHIBIT HEREBY MARKED FOR IDENTIFICATION PURPOSES)

ALJ AGRANOFF: So marked.

MR. SETTINERI: Again, Your Honor, the witness is available for cross-examination.

ALJ AGRANOFF: Thank you. To your knowledge there are no modifications to Mr. Chadha's testimony?

MR. SETTINERI: That is correct. We have no changes or revisions at this time.

ALJ AGRANOFF: Okay. Thank you. Does counsel have any questions of this particular witness?

MR. JONES: No, Your Honor.

ALJ AGRANOFF: Just to make it worth your while coming down I have some questions for you.

THE WITNESS: Okay.

EXAMINATION

By ALJ Agranoff:

Q. If you could please turn to page 6 of your testimony?

1 A. Yes.

2 Q. Let me know when you are there.

3 A. I am there.

4 Q. I am trying to understand the
5 explanation that is provided with respect to
6 decibels that will be during the construction
7 phase and how that compares to what was
8 considered to be the normal pre-construction
9 levels that were identified.

10 And if I understand correctly your
11 testimony indicates that the construction levels
12 are going to be between 32 and 58 decibels.

13 A. Correct.

14 Q. And when I look at Mr. Chadha's
15 testimony it seems to indicate, and tell me
16 whether I am wrong, that the pre-construction
17 would be between 42 decibels to 68 decibels.
18 I am looking specifically to his response on
19 Question 6.

20 A. On page 2?

21 Q. Yes, page 2. But then during
22 construction the levels would go between 32 and
23 58 decibels. So, I don't understand how
24 construction could actually be fewer decibels
25 than pre-construction.

1 A. If I am correct in how I am
2 interpreting that, I don't believe it's the
3 ambient levels during construction. I think
4 it's the actual noise levels that
5 the construction activity will present.

6 So, in other words, it would be how
7 loud is the dozer, how loud is the, you know,
8 some of the construction activities during the
9 actual sound of those and what that is measured
10 at. So it won't be actual ambient existing
11 conditions. It will be construction noise
12 essentially.

13 Q. But doesn't his testimony state that
14 the ambient sound levels surrounding the
15 facility site --

16 A. Is 42 to 68.

17 Q. But that is before construction?

18 A. Correct. So during construction I
19 think what he is saying here, and we can clarify
20 this after this, but what I think he is saying
21 is that just will actually be the sound of
22 construction equipment makes itself. I don't
23 think it's a measure of that sound of the
24 construction activity in the environment,
25 in the existing environment. I don't think he

1 is comparing it to say there is construction
2 activity in this neighborhood and the ambient
3 existing sound is this, and the construction
4 sound is going to add to it or is going to
5 supplement.

6 I think he is just saying that
7 actual sound of that equipment presents. I don't
8 think I am explaining this right, or helping.

9 Q. That is why I am confused because to
10 me it sounds like he is saying that the baseline
11 is 42 to 68 and then construction will be, the
12 actual level will be about 32 and 58.

13 A. I understand what you are asking.
14 And I think I am not explaining -- if I
15 understand correctly what he is trying to say, I
16 think he is saying the 42 to 68 is preexisting
17 current ambient conditions.

18 So you are standing out there with
19 construction, no other noise, that is what you
20 hear. But, I don't think it's the same direct
21 relationship. I think he is saying that 32-58
22 decibels is what the construction activity and
23 the construction equipment is going to generate.

24 So I still think it's going to be --
25 you are still going to have the 42 to 68

1 decibels out there during construction. I don't
2 think he is indicating that we are going to
3 lower the actual existing sound here.

4 If I understand noise correctly,
5 it's just the highest level is what you hear.
6 So it's not supplementary. So I think he is
7 just saying that is the actual sound level
8 produced by the equipment, and you are still
9 going to have existing activity or the existing
10 ambient up to 68 decibels.

11 Q. How do you reconcile that with your
12 testimony where you make reference to no lower
13 than 48 decibels?

14 A. 48 is operational, not construction.
15 So we are talking about preexisting
16 construction, and then operational. So after
17 construction is complete and the operation of
18 the facility.

19 Q. So 48 is what you are saying is
20 post-construction?

21 A. Correct.

22 Q. Operational of the plant?

23 A. Of the plant, yes.

24 Q. And could you explain to me what the
25 plus 5 decibel reference refers to?

1 A. Yes. The design goal as set by the
2 noise study was the ambient -- it was the lowest
3 ambient sound recording plus 5 decibels, which
4 would be the design goal as the guidance we
5 received from the Ohio Power Siting Board.

6 And as I understood it's not
7 codified anywhere, but that has been the trend
8 that they have been evaluating and presenting
9 their noise studies and their -- what requires
10 mitigation and/or, yes, anything to lower. So
11 that is the guidance that we were directed
12 towards.

13 Q. And it's your understanding that was
14 post-construction?

15 A. Correct.

16 Q. So with respect to the construction
17 itself you are not really opining on anything?

18 A. Correct.

19 Q. That sound level.

20 A. That's correct.

21 Q. Did you share the results of any
22 studies that you did with the Staff?

23 A. Yes. They received -- the report is
24 included in the Siting Board application. So
25 they have this information in there.

1 ALJ AGRANOFF: Based on my
2 questions does counsel have any clarifying
3 questions for the witness?

4 MR. JONES: No, Your Honor.

5 ALJ AGRANOFF: Thank you.

6 THE WITNESS: Thank you.

7 MR. SETTINERI: Your Honor, just
8 one point of order here. I am going to go ahead
9 and move for admission of exhibits at the end of
10 the presentation. Is that acceptable?

11 ALJ AGRANOFF: Absolutely.

12 MR. SETTINERI: Then the next
13 witness, Ankit Chadha, is not present today, but
14 in reaching out to the parties they agreed to
15 stipulate, subject to any corrections today,
16 that his testimony, they have no questions, and
17 his testimony could be admitted into the
18 record. That testimony has been admitted as
19 Applicant Exhibit 6.

20 We would ask that the stipulation be
21 accepted subject to your agreement, and you may
22 prefer to have questions of this witness and he
23 will not be available to ask questions.

24 ALJ AGRANOFF: I did have obviously
25 that question that I posed with Ms. Vovaris.

1 But at this time we will just leave it for what
2 it is.

3 MR. SETTINERI: Staff may want to
4 ask questions as well.

5 ALJ AGRANOFF: We can put Mr. Pawley
6 on the stand. Okay.

7 So, my if my score card is correct
8 we have 8 exhibits that have been identified.

9 MR. SETTINERI: Yes, Your Honor.
10 We would move for the admission of Applicant
11 Exhibits 1, 2, 3, 4, 5, 6, 7, and 8. And as
12 well as Joint Exhibit 1, which is the Joint
13 Stipulation and Recommendation.

14 ALJ AGRANOFF: Any objections to
15 the admission of the aforementioned exhibits?

16 MR. JONES: No, Your Honor.

17 MR. BORCHERS: No objection.

18 ALJ AGRANOFF: There being none, the
19 aforementioned exhibits shall be admitted as
20 part of the record.

21 (EXHIBITS HEREBY ADMITTED INTO
22 EVIDENCE)

23 ALJ AGRANOFF: And just so that we
24 are clear, the joint stip is not -- go ahead.

25 MR. SETTINERI: The Joint

1 Stipulation and Recommendation is between
2 Harrison Power, Staff and CIC, Your Honor.

3 ALJ AGRANOFF: Okay. Okay. And at
4 this point in time is Staff ready to proceed?

5 MR. JONES: Yes. Your Honor. Staff
6 would call Jon Pawley to the stand.

7 (WITNESS SWORN)

8 - - -

9 JON C. PAWLEY

10 called as a witness, being previously duly
11 sworn, testified as follows:

12 DIRECT EXAMINATION

13 By Mr. Jones:

14 Q. Would you please state your name for
15 the record, please?

16 A. It's Jon Pawley.

17 Q. Where are you employed?

18 A. I am employed by the Public
19 Utilities Commission of Ohio at 180 East Broad
20 Street, Columbus, Ohio 43215.

21 Q. And did you have occasion to
22 participate in the investigation of this
23 application in this proceeding?

24 A. Yes, I did.

25 Q. What role did you play?

1 A. I was the Staff lead, so my
2 responsibilities would have included
3 coordinating field visits and Staff's
4 investigation. And then ultimately produce a
5 Staff Report of Investigation which was filed on
6 March 21st, 2018.

7 MR. JONES: Your Honor, at this time
8 I would like to have marked for identification
9 the Staff Report of Investigation that was filed
10 in the docket on March 21st, 2018 as Staff
11 Exhibit 1.

12 ALJ AGRANOFF: It shall be so
13 marked.

14 (EXHIBIT MARKED FOR THE PURPOSE OF
15 IDENTIFICATION)

16 MR. JONES: Thank you, Your Honor.
17 And also I would like to have marked for
18 the record the pre-filed testimony of Jon Pawley
19 as Staff Exhibit 2.

20 ALJ AGRANOFF: It will be so marked.

21 (EXHIBIT MARKED FOR THE PURPOSE OF
22 IDENTIFICATION)

23 MR. JONES: Thank you, Your Honor.

24 Q. Mr. Pawley, would you please
25 identify for the record Staff Exhibit 1?

1 A. Staff Exhibit 1 is the Staff Report
2 of Investigation including recommendations to
3 the Board which was filed March 21st.

4 Q. And then likewise Staff Exhibit 2.
5 Would you identify that document for the record,
6 please?

7 A. Yes. Staff Exhibit 2 is pre-filed
8 testimony of myself, Jon Pawley.

9 Q. And referring to Staff Exhibit 2, do
10 you have any changes? Was this prepared by you
11 or under your direction?

12 A. Yes.

13 Q. And do you have any changes or
14 additions to make to Staff Exhibit 2?

15 A. No.

16 Q. And if I were to ask you the same
17 questions contained in Staff Exhibit 2 would
18 your answers be the same?

19 A. Yes.

20 Q. I want to just provide a
21 clarification now that Staff is sponsoring
22 the Staff Report of Investigation and Staff
23 Exhibit 1. Staff is also a signatory party
24 supporting the Joint Stipulation in this case;
25 is that correct?

1 A. That's correct.

2 Q. Okay. And is there a difference
3 between the conditions contained in the Staff
4 Report of Investigation and the conditions
5 contained in the Joint Stipulation?

6 A. Yes. The conditions, some
7 conditions were changed.

8 Q. And is Staff then recommending the
9 Board, asking the Board to approve the Staff
10 Report conditions as modified by the Joint
11 Stipulation?

12 A. As modified, yes.

13 Q. Okay. Thank you.

14 MR. JONES: Your Honor, I have no
15 other questions.

16 ALJ AGRANOFF: Thank you. Does
17 counsel for any of the parties have any
18 questions of Mr. Pawley?

19 MR. SETTINERI: No, Your Honor.

20 MR. BORCHERS: No questions, Your
21 Honor.

22 ALJ AGRANOFF: I do have a question
23 or two for you, Mr. Pawley.

24 EXAMINATION

25 By ALJ Agranoff:

1 Q. If you could turn to page 13 of
2 Staff Exhibit 1, please.

3 A. Okay.

4 Q. And specifically towards the bottom
5 there is a reference there to delays. Do you
6 see that?

7 A. Yes.

8 Q. Are you aware as to whether or not
9 that that representation is still accurate?

10 A. To date I am not aware, no.

11 Q. And that representation was included
12 as part of the Staff Report that was prefaced
13 off of the original timing that we had scheduled
14 in this particular proceeding?

15 A. That is correct.

16 ALJ AGRANOFF: Based on my
17 questions of Mr. Pawley do any of the parties
18 have any clarifying questions?

19 MR. SETTINERI: No, Your Honor.

20 MR. BORCHERS: No, Your Honor.

21 MR. JONES: No, Your Honor.

22 ALJ AGRANOFF: If not, Mr. Pawley, I
23 appreciate your time. Thank you.

24 THE WITNESS: Thank you.

25 MR. JONES: Your Honor, at this time

1 I would move for the admission of Staff Exhibits
2 1 and 2 into the record for evidence.

3 ALJ AGRANOFF: Any objections to the
4 admission of Staff Exhibit 1 and 2 as part of
5 the record?

6 MR. SETTINERI: No, Your Honor.

7 ALJ AGRANOFF: If not, the
8 aforementioned exhibits shall be admitted as
9 part of the record at this time.

10 (EXHIBITS ADMITTED INTO EVIDENCE)

11 MR. SETTINERI: Quick question.
12 Your Honor, just to confirm, Joint Exhibit 1,
13 was that admitted into the record as well? I
14 know it was moved.

15 ALJ AGRANOFF: To the extent that it
16 was not, are there any objections to the
17 admission of Joint Exhibit 1?

18 MR. JONES: No objection.

19 ALJ AGRANOFF: If not, to the
20 extent that it was not previously ruled upon,
21 Joint Exhibit 1 shall be include as part of
22 the record at this time.

23 Do we have anything further from any
24 of the parties at this point in time?

25 MR. SETTINERI: No, Your Honor.

1 MR. TAYLOR: Your Honor, I just want
2 to notify the Board that Hess Ohio Development
3 LLC and CNX Gas LLC as interveners pursuant to
4 agreement do not oppose the issuance of
5 the certificate sought by the Applicant.

6 ALJ AGRANOFF: Thank you for
7 providing us with that information. Is there
8 anything further at this point in time that
9 needs to be addressed by the Board?

10 MR. JONES: No, Your Honor.

11 MR. SETTINERI: No, Your Honor.

12 ALJ AGRANOFF: If not, I appreciate
13 everybody's time, and this matter shall be
14 considered as submitted on the record.

15 MR. SETTINERI: Thank you, Your
16 Honor.

17 MR. JONES: Thank you, Your Honor.

18 (At 2:35 P.M. the hearing was
19 concluded)

20 - - -

21

22

23

24

25

CERTIFICATE

I do hereby certify that the foregoing
is a true and correct transcript of the
proceedings taken by me in this matter on May
31, 2018, and carefully compared with my
original stenographic notes.

Michael O. Spencer
Michael O. Spencer,
Registered Professional
Reporter.

- - -



This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

6/13/2018 11:55:36 AM

in

Case No(s). 17-1189-EL-BGN

Summary: Transcript In the Matter of the Application of Harrison Power LLC for a Certificate of Environmental Compatibility and Public need for the Harrison Power Plant in Harrison County, hearing held on May 31st, 2018. electronically filed by Mr. Ken Spencer on behalf of Spencer, Michael O. Mr. and Armstrong & Okey, Inc.