

BEFORE THE OHIO POWER SITING BOARD

- - -

In the Matter of the :
Application of Duke Energy :
Ohio, Inc., for a :
Certificate of Environmental: Case No. 16-0253-GA-BTX
Compatibility and Public :
Need for the C314V Central :
Corridor Pipeline Extension :
Project. :

- - -

PROCEEDINGS

before Ms. Greta See and Ms. Sarah Parrot,
Administrative Law Judges, 180 East Broad Street,
Room 11-A, Columbus, Ohio, called at 9:10 a.m. on
Thursday, April 11, 2019.

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VOLUME III

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Thursday Morning Session,
April 11, 2019.

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ALJ PARROT: Let's go back on the record.
This is the continuation of the hearing
in Case No. 16-253-GA-BTX. Good morning, everyone.
My name is Sarah Parrot, with me is Greta See.

Let's start with brief appearances, names
only, and on whose behalf you appear today.

Mr. Stevenson.

MR. STEVENSON: I'm Dave Stevenson,
appearing on behalf of the City of Reading.

MR. YSKAMP: James Yskamp on behalf of
Neighbors Opposed to Pipeline Extension.

MS. KINGERY: Jeanne Kingery, Brian
Heslin, Rocco D'Ascenzo, on behalf of Duke Energy
Ohio.

MR. BEELER: Steve Beeler, Robert
Eubanks, Ina Avalon, Janean Weber, on behalf of the
Staff of the Power Siting Board.

MR. KEANEY: Mark Keaney and Steven
Lesser on behalf of the City of Cincinnati and the
Board of County Commissioners of Hamilton County.

MR. MILLER: Doug Miller on behalf of
Sycamore Township.

1 MR. PACHECO: Good morning, your Honors,
2 Bryan Pacheco and Mark Arnzen, on behalf of the City
3 of Blue Ash and Columbia Township. Thank you.

4 MS. HERNSTEIN: Kara HERNSTEIN on behalf
5 of Jewish Hospital - Mercy Health.

6 ALJ PARROT: Thank you, everyone.

7 I believe we have a few preliminary
8 matters before we take our first witness this
9 morning. One from the Bench, an oversight on my part
10 yesterday. Mr. Yskamp had moved for admission of
11 certain NOPE exhibits. One of those being NOPE
12 Exhibit No. 13 which, as I review the transcript from
13 yesterday's proceeding, was not addressed, so at this
14 time I am admitting NOPE Exhibit 13. It was not
15 objected to, and I just want to get that officially
16 taken care of.

17 (EXHIBIT ADMITTED INTO EVIDENCE.)

18 ALJ PARROT: Well, let's start,
19 Ms. Kingery, there was one issue from yesterday,
20 let's deal with that.

21 MS. KINGERY: Thank you, your Honor.
22 When your Honors admitted NOPE Exhibit 12, which was
23 a -- an Investigation Report filed in Case No.
24 01-520-GA-BTX, we had asked that we take -- that you
25 take administrative notice of any documents in that

1 docket that might be responsive to that Investigation
2 Report. I've reviewed the Docket Card and there are
3 a few, and if we may approach, we've printed off
4 copies for you.

5 ALJ PARROT: You may.

6 MS. KINGERY: And in the meantime, I'll
7 just identify the dates that they were filed.
8 August 1, 2003; another one from August 1, 2003;
9 August 22, 2003; November 28, 2003; November 22,
10 2004; December 7, 2005; July 26, 2006; June 18, 2007;
11 and January 17, 2008. And basically it was -- it
12 related to a restoration plan that the Company
13 provided to Staff after it accidentally had cleared
14 some vegetation in -- that they were not allowed to
15 clear under the terms of that certificate, and the
16 final document was evidence of the completion of the
17 terms of that restoration plan.

18 MR. KEANEY: Your Honor.

19 ALJ PARROT: Mr. Keaney.

20 MR. KEANEY: Your Honor, also, if either
21 of these are covered, I want to make sure, there are
22 other letters in here that relate to that issue that
23 we would like to take administrative notice of.

24 ALJ PARROT: I'm sorry, Mr. Keaney. You
25 are proposing from these documents there are

1 additional ones as well?

2 MR. KEANEY: There are other additional
3 documents in the docket that relate to this issue
4 that I don't believe were mentioned, and I would like
5 to include those.

6 ALJ PARROT: Let's go off the record.

7 (Discussion off the record.)

8 ALJ PARROT: Let's go back on the record.

9 At this time we are going to take
10 administrative notice of the entire docket in Case
11 No. 01-520-GA-BTX to simplify matters. The parties,
12 I understand, are amenable to that approach

13 MS. KINGERY: Yes, your Honor.

14 MR. KEANEY: Yes, your Honor.

15 ALJ PARROT: Very good. Thank you.

16 Mr. Keaney had an issue as well to raise.

17 MR. KEANEY: Yes, your Honor. Thank you.

18 The City and County, as well as the Company, had
19 agreed to the stipulation of 41 discovery responses
20 in this matter, subject to Duke preserving all of the
21 objections in each of those discovery responses. I
22 have got copies of those responses and a list for all
23 the parties, if I may be permitted to approach.

24 ALJ PARROT: You may.

25 MR. KEANEY: Your Honor, would it be

1 appropriate to read those into the record?

2 ALJ PARROT: Yes. Let's go ahead and do
3 that, Mr. Keaney.

4 MR. KEANEY: Thank you.

5 City/County Exhibit No. 2 is
6 AV-INT-01-007.

7 City/County Exhibit 3 is CITY-INT-02-009.

8 City/County Exhibit 4, AV-INT-02-007.

9 City/County Exhibit 5, CITY-INT-05-002.

10 City/County Exhibit 6, AV-POD-01-009

11 Supplemental.

12 City/County Exhibit 7, CITY-INT-05-006.

13 City/County Exhibit 8, CITY-INT-01-006.

14 City/County Exhibit 9, CITY-INT-05-008.

15 City/County Exhibit 10, CITY-INT-01-024.

16 City/County Exhibit 11, CITY-INT-05-014.

17 City/County Exhibit 12, CITY-INT-01-035.

18 City/County Exhibit 13c, CITY-POD-02-003

19 Supplemental and Confidential.

20 City/County Exhibit 14, CITY-INT-01-036.

21 City/County Exhibit 15, CITY-INT- --

22 POD-05-003.

23 City/County Exhibit 16, CITY-INT-02-007.

24 City/County Exhibit 17, NOPE-INT-01-006.

25 City/County Exhibit 18, CITY-INT-02-008.

1 City/County Exhibit 19, NOPE-INT-01-008.

2 City/County Exhibit 20, NOPE-INT-01-013.

3 City/County Exhibit 21, NOPE-INT-03-027.

4 City/County Exhibit 22, NOPE-INT-01-014.

5 City/County Exhibit 23, NOPE-INT-03-029.

6 City/County Exhibit 24, NOPE-INT-01-026

7 Supplemental.

8 City/County Exhibit 25, NOPE-INT-03-031.

9 City/County Exhibit 26, NOPE-INT-01-028.

10 City/County Exhibit 27c, NOPE-POD-01-006

11 Supplemental and Confidential.

12 City/County Exhibit 28, NOPE-INT-01-033.

13 City/County Exhibit 29c, NOPE-POD-03-014

14 Supplemental and Confidential.

15 NOPE -- sorry.

16 City/County Exhibit 30, NOPE-INT-01-035.

17 City/County Exhibit 31, NOPE-RFA-01-001.

18 City/County Exhibit 32, NOPE-INT-01-037.

19 City/County Exhibit 33, NOPE-RFA-01-004.

20 City/County Exhibit 34, NOPE-INT-01-038.

21 City/County Exhibit 35, NOPE-RFA-01-006.

22 City/County Exhibit 36, NOPE-INT-02-022

23 Supplemental.

24 City/County Exhibit 37, NOPE-RFA-01-008.

25 City/County Exhibit 38, STAFF-DR-02-001.

1 City/County Exhibit 39, STAFF-DR-14-001.

2 City/County Exhibit 40, STAFF-DR-14-002.

3 City/County Exhibit 41, STAFF-DR-18-002.

4 And finally, Staff -- excuse me.

5 City/County Exhibit 42, STAFF-DR-20-001.

6 And the City and County would move for
7 the admission of the foregoing exhibits.

8 (EXHIBITS MARKED FOR IDENTIFICATION.)

9 ALJ PARROT: Are there any objections to
10 the admission of City/County Exhibits 2 through 42?
11 And just for clarity of the record, I will note that
12 Exhibits 13, 27, and 29 have the designation "c"
13 which I presume is for "confidential"?

14 MR. KEANEY: Yes, your Honor.

15 ALJ PARROT: So there are confidential
16 exhibits to be filed under seal. Any objections?

17 MS. KINGERY: Duke Energy Ohio does not
18 object, subject to the fact that many of those
19 responses included objections, so subject to those
20 objections which we would still then have the right
21 to raise on brief.

22 ALJ PARROT: Okay. Anything else from
23 the other parties? All right. Hearing none,
24 Exhibit -- City/County Exhibits 2 through 42 are
25 admitted, subject to the rights of the parties to

1 raise any objections noted in those discovery
2 responses.

3 (EXHIBITS ADMITTED INTO EVIDENCE.)

4 ALJ PARROT: All right. Anything else?
5 Thank you, Mr. Keaney. Take a breath --

6 MR. KEANEY: Thank you, your Honor.

7 ALJ PARROT: -- after that.

8 Do we have a preferred witness order
9 between our two intervenor witnesses today?

10 MR. YSKAMP: I believe we agreed
11 Dr. Guldmann.

12 ALJ PARROT: Dr. Guldmann is ready,
13 Mr. Yskamp?

14 MR. YSKAMP: We are calling
15 Dr. Jean-Michel Guldmann.

16 ALJ PARROT: Okay. Very good.

17 (Witness sworn.)

18 ALJ PARROT: Have a seat.

19 MR. YSKAMP: Your Honor, at this time, I
20 wish to mark the written Direct Testimony of
21 Jean-Michel Guldmann on behalf of Neighbors Opposed
22 to Pipeline Extension, LLC, as NOPE Exhibit 19.

23 ALJ PARROT: And the exhibit is marked as
24 NOPE Exhibit 19. Let's deal with the confidentiality
25 issue. It's my understanding that the Applicant has

1 agreed to waive confidentiality with respect to the
2 testimony and the attached exhibits in its entirety,
3 is that correct, Mr. Heslin?

4 MR. HESLIN: That's correct, your Honor.

5 ALJ PARROT: Okay. So we are marking
6 what's labeled a Confidential Version NOPE Exhibit
7 No. 19, but for clarity of the record, it is to be
8 treated as a public exhibit, correct, Mr. Yskamp?

9 MR. YSKAMP: That's correct.

10 ALJ PARROT: Okay. Very good. Go ahead
11 and proceed.

12 (EXHIBIT MARKED FOR IDENTIFICATION.)

13 (Witness sworn.)

14 - - -

15 JEAN-MICHEL GULDMANN

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

18 DIRECT EXAMINATION

19 By Mr. Yskamp:

20 Q. Dr. Guldman, could you please state your
21 name and business address for the record.

22 A. My name is Jean-Michel Guldman. My
23 business address is 237 Knowlton Hall, at The Ohio
24 State University, 275 West Woodruff Avenue, Columbus.

25 Q. And did you prepare written expert

1 testimony that was filed in this proceeding?

2 A. I did.

3 Q. If you could look at the document in
4 front of you, labeled NOPE Exhibit 19. Dr. Guldmann,
5 is NOPE Exhibit 19 the previously confidential
6 version of the testimony that was filed in this case?

7 A. Yes.

8 Q. Do you have any corrections to make on
9 the testimony?

10 A. Yes, I do. Page 20, the beginning of
11 this third paragraph, the line starting "In any
12 event, DE could replace...." At the end of that line
13 there should be a dot and then the following should
14 be inserted: "Historically, there are very good
15 reasons for using such plants, as they provide, for"
16 and then continuation of the second line.

17 Q. You might have to repeat that,
18 Dr. Guldmann.

19 A. "Historically, there are very good
20 reasons for using such plants, as they provide,
21 for...." That's it, and then continuation on the
22 second line.

23 Q. Thank you, Dr. Guldmann. Are there any
24 other corrections you wish to make?

25 A. No.

1 Q. So with that correction, if you were
2 asked the same questions today, would your answers be
3 the same?

4 A. Yes.

5 MR. YSKAMP: Thank you, Dr. Guldmann.
6 This witness is -- I offer this witness for
7 cross-examination.

8 ALJ PARROT: Mr. Stevenson?

9 MR. STEVENSON: I have none, your Honor.
10 Thank you.

11 ALJ PARROT: Ms. Hernstein?

12 MS. HERNSTEIN: No, your Honor.

13 ALJ PARROT: Mr. Pacheco.

14 MR. PACHECO: No, your Honor. Thank you.

15 ALJ PARROT: Mr. Miller.

16 MR. MILLER: No questions, your Honor.

17 ALJ PARROT: Mr. Keaney.

18 MR. KEANEY: No, your Honor.

19 ALJ PARROT: Mr. Heslin.

20 MR. HESLIN: Yes, your Honor. Thank you.

21 - - -

22 CROSS-EXAMINATION

23 By Mr. Heslin:

24 Q. Good morning, Professor.

25 A. Good morning.

1 Q. Good to see you. You have before you the
2 NOPE exhibit which is your direct -- your filed
3 direct testimony in front of you, correct?

4 A. Yes.

5 Q. And you filed that previously in this
6 docket?

7 A. Yes.

8 Q. Okay. I would ask for you to turn to
9 page 15 in your testimony.

10 A. Yes.

11 Q. And if you look at the very bottom, there
12 is a question therein and it says "Q. What are DE's
13 stated objectives for the C314V" as in Victor,
14 "pipeline extension project?" Do you see that?

15 A. Yes.

16 Q. Before I ask any questions, just to be
17 clear, "DE" in your report refers to Duke Energy,
18 correct?

19 A. Correct.

20 Q. And when you reference the "C314V
21 project," that is synonymous with the Central
22 Corridor Pipeline Project that is at issue in this
23 case, correct?

24 A. Correct.

25 Q. Okay. And if you would turn to page 16,

1 and you will see that the answer in your report is --
2 or in your testimony is Duke Energy has identified
3 three goals for the C314V pipeline project:

4 (1) Retire the two operating P-A peaking
5 plants, claimed by Duke Energy to have reached the
6 end of their useful lives;

7 (2) Provide a better balanced system
8 supply from north to south; and

9 (3) Support inspection, replacement, and
10 upgrading of aging infrastructure.

11 Do you see that?

12 A. I do.

13 Q. And then just to be clear once again,
14 when you reference P-A in the first reason, that
15 refers to propane-air?

16 A. Yes.

17 Q. So that would be retire the two operating
18 propane-air peaking plants; is that correct?

19 A. That's correct.

20 Q. And as you understand it, these are the
21 three primary issues that the Central Corridor
22 Project is designed to address?

23 A. Yes, I do.

24 Q. Okay. So let's take these one at a time.
25 I would ask you to turn to your testimony page 19,

1 and in the middle of the page of your testimony, the
2 question is, Has Duke adequately shown the need to
3 retire the propane-air plants? Do you see that?

4 A. I do.

5 Q. Okay. And you answer -- your immediate
6 answer is no, correct?

7 A. Correct.

8 Q. Okay. And if you follow your testimony,
9 the answer and your conclusions regarding this
10 question follow on to page 20 and they continue on to
11 page 21, around the middle of that page, correct?

12 A. Correct.

13 Q. Up until the next question which is about
14 another issue. Do you agree?

15 A. I agree.

16 Q. Okay. And in addition to your answer
17 "no" at the beginning of that answer, at the end --
18 and I would ask you to turn to the last paragraph in
19 this answer on page 21 of your testimony, you
20 conclude, in summary, there is no need in retiring --
21 no current need in retiring the propane-air plants,
22 correct?

23 A. Correct.

24 Q. Okay. And that's your conclusion
25 regarding that question, correct?

1 A. Correct.

2 Q. Okay. Now, you don't have any direct
3 experience in the operation of propane-air peaking
4 plants, correct?

5 A. I have not been involved in operating
6 propane-air plants.

7 Q. And would it be fair to say that you
8 don't have any experience with subterranean propane
9 caverns?

10 A. I do not have experience with
11 subterranean caverns.

12 Q. And so if we took a look at your
13 extensive curriculum vitae that is attached to your
14 testimony consisting of approximately 30 pages, we
15 wouldn't see any reference to any experience
16 regarding subterranean propane caverns, correct?

17 A. Not regarding subterranean caverns, but I
18 would add I have experience with underground mining
19 and underground structures in coalmines.

20 Q. And that was part of your formal training
21 for your Master's Degree from Ecole des Mines in
22 France?

23 A. That's correct.

24 Q. And you received that degree in 1970; is
25 that correct?

1 A. That's correct.

2 Q. And you don't have any other formal
3 training in -- in geology since 1970, correct?

4 A. Correct.

5 Q. Okay. And you are not a geologist?

6 A. I am not a geologist.

7 Q. Okay. So your opinion regarding the
8 propane-air plants is completely derived from your
9 review of the various reports and data responses in
10 this case; is that correct?

11 A. It is based on my review of all the
12 documents available as well as my general knowledge
13 about the role of peaking systems in distribution
14 companies.

15 Q. You aren't bringing any specialized
16 expertise in the area of subterranean propane caverns
17 to form your opinion.

18 A. No.

19 Q. Okay. You've never personally inspected
20 the propane-air plants, correct?

21 A. Correct.

22 Q. You've never personally inspected the
23 subterranean propane caverns, have you?

24 A. I haven't.

25 Q. And based upon the references in your

1 report, you haven't conferred with any experts in
2 geology in preparing this report, correct?

3 A. I haven't.

4 Q. In fact, you have not conferred with any
5 individual with a specialty or expertise with
6 subterranean propane caverns in rendering this
7 particular report, correct?

8 A. Correct.

9 Q. Okay. So let's go back to your
10 testimony. I ask you to turn again to page 19. Now,
11 after your answer to the -- the question, you lay out
12 some information about the propane plants. Do you
13 see that?

14 A. Yes, I do.

15 Q. And you reference in that first
16 paragraph, Footnote 76, the Lummus Report. Do you
17 see that?

18 A. Yes. Yes, I do, yeah.

19 Q. And you reference this Lummus Report
20 several times throughout your testimony. Would you
21 agree?

22 A. I agree.

23 Q. Do you know how many times you reference
24 the Lummus Report in your testimony?

25 A. I haven't counted, but I know I have

1 referenced it a lot of times, both in terms of
2 analysis of their demand peak send out forecast as
3 well, as with regard to their expansion scenario
4 analysis, as well as regarding the P-A plants.

5 Q. So you extensively reference the Lummus
6 Report.

7 A. I have.

8 Q. Would you be surprised to know that
9 you've referenced it, at least in the footnotes,
10 approximately 38 times by my count?

11 A. I'm not surprised.

12 Q. And you attached it to your testimony as
13 well, correct?

14 A. I did.

15 Q. Okay. Now, I would ask you to go to the
16 exhibit in your testimony JMG-7 which is the Lummus
17 Report.

18 A. Okay.

19 Q. And for the record, JMG-7 is a copy of
20 the Gas System Master Plan Study, 2015 to 2035,
21 prepared for Duke Energy Corporation by Lummus
22 Consultants International. And, Professor, I would
23 ask you to turn to numerical page 1, and when you get
24 there, it will say "Executive Summary."

25 A. Yes.

1 Q. And under Introduction, it states that
2 "Lummus Consultants International, Incorporated,
3 (Lummus Consultants) was retained by Duke Energy
4 Corporation (Duke Energy) to perform a detailed
5 analysis of Duke Energy's existing Ohio and Kentucky
6 transmission and high pressure distribution systems
7 to determine supply reliability, forecast future
8 needs and provide recommendations for a 20-year
9 capital improvement plan (CIP)." Do you see that?

10 A. Yes, I do.

11 Q. And then at the beginning of the second
12 paragraph, it says "Lummus Consultants, through its
13 legacy companies, including Stone & Webster
14 Management Consultants, Incorporated, and Shaw
15 Consultants International Incorporated, has a history
16 of over 100 years of providing engineering,
17 construction, and consulting services related to the
18 energy industry." Do you see that?

19 A. I do.

20 Q. Do you have any reason to doubt the
21 expertise of the Lummus Consultants?

22 A. No.

23 Q. And by the nature of this report and its
24 analysis, they provided a pretty extensive report and
25 recommendations to Duke Energy, correct?

1 A. They did.

2 Q. Okay. Now, I would ask you to look at
3 Roman Numeral iii which is part of the Table of
4 Contents.

5 A. Yes.

6 Q. And if you look in the Table of Contents,
7 under Chapter 6, it indicates that there is a chapter
8 that covers U.S. Peak Supply Facilities. Do you see
9 that?

10 A. I do.

11 Q. And then under Chapter 7, it states "Duke
12 Energy's Peak Supply Facilities." Do you see that?

13 A. I do.

14 Q. So this report specifically addressed the
15 propane-air peaking facilities that we're talking
16 about, correct?

17 A. Yes.

18 Q. In this Chapter 7, would you agree?

19 A. Yes.

20 Q. And if you look at 7.2 and 7.3, they
21 break out the East Works propane facilities and the
22 Erlanger propane facilities. Do you see that?

23 A. I do.

24 Q. Okay. So let's go to that Chapter 7,
25 Duke Energy's peak supply facilities, in the Lummus

1 Report, JMG-7 exhibit to your testimony. Are you
2 there?

3 A. I'm there.

4 Q. And so 7.1, they indicate "Overall Peak
5 Supply Facilities." Do you see that?

6 A. I do.

7 Q. And it states, to augment natural gas
8 supplies in support of system operations, Duke Energy
9 has operated three propane-air facilities over the
10 past six heating sessions -- seasons. These
11 facilities are: 1, East Works in Cincinnati, Ohio;
12 2, Erlanger, Kentucky; and 3, Dicks Creek, Ohio,
13 correct?

14 A. Correct.

15 Q. And you understand that Dicks Creek, Ohio
16 is no longer in service, correct?

17 A. I do understand that.

18 Q. There was a leak and they had to retire
19 that facility, correct?

20 A. That's correct.

21 Q. And then right under that it states "The
22 three propane air plants are essentially identical in
23 equipment type and size." Do you see that?

24 A. I do.

25 Q. Would you agree that most propane-air

1 peaking facilities utilize aboveground storage?

2 A. Yes. In fact, Duke is unique in having
3 these underground caverns as storage system.

4 Q. You are not aware of any other LDCs that
5 utilize subterranean propane caverns as their storage
6 facilities for propane-air peaking plants.

7 A. I am not aware.

8 Q. Do you have any reason to doubt any of
9 the statements we just covered in that section, 7.1?

10 A. No.

11 Q. No dispute?

12 A. No.

13 Q. Turn to page 91 of this report. And I
14 would ask you to look to the bottom of the page to
15 Chapter 9.2, Propane Plant Recommendations. And I
16 would ask for you to read the first sentence there.

17 A. "Lummus Consultants recommends that Duke
18 Energy should evaluate the phasing out, closing, and
19 decommissioning of both propane air facilities
20 currently operated by Duke Energy (at East Works and
21 at Erlanger)."

22 Q. And so, that's the recommendation from
23 Lummus Consultants, correct?

24 A. Yes. The recommendation is that Duke
25 Energy evaluate these issues.

1 Q. Okay. And then it goes on to say "This
2 recommendation includes evaluation of the
3 decommissioning of the underground mined-cavern
4 propane storage facilities as well as the
5 above-ground propane air blending facilities." Do
6 you see that?

7 A. I do.

8 Q. And then "Lummus Consultants has arrived
9 at this conclusion based on the following reasons,
10 arranged in order of the perceived importance" and
11 then it goes on to the next page, page 92 of JMG-7.
12 Do you see that?

13 A. I do.

14 Q. And then it lays out multiple bullet
15 points to support their recommendation that Duke
16 Energy evaluate the decommissioning of the propane
17 plants, correct?

18 A. Correct.

19 Q. In the first bullet it states "The
20 underground storage caverns, both of which lie close
21 to the Ohio River, have been encroached upon by
22 several types of establishments, creating risks that
23 did not exist when the caverns were constructed.
24 River barge traffic, housing developments, nearby
25 road construction, and river bridges carrying large

1 numbers of vehicles, have all increased during the
2 past 60 years since the cavern construction. These
3 risk exposures are of more concern now due to the
4 increased congestion." Do you see that?

5 A. I see that.

6 Q. Do you have any reason to disagree with
7 that?

8 A. I don't have any information that would
9 lead me to disagree with that.

10 Q. And in the second bullet, "Lummus
11 Consultants believes that the caverns continue to be
12 used due in part to the grandfathered nature of their
13 construction, operation, and regulation.
14 Construction of these caverns today, under current
15 conditions and regulations, would not be as likely to
16 receive approval from Federal, State, or local"
17 agency -- "regulatory agencies, the Corps of
18 Engineers, local fire departments, et cetera." Do
19 you see that?

20 A. I see that.

21 Q. Do you have any reason to disagree or
22 dispute that statement?

23 A. I have no information to dispute that
24 statement.

25 Q. And I'll skip to the fourth bullet. It

1 says "The rock-mined storage caverns - now well over
2 60 years old, are not a standard means of storage for
3 propane. The modern means of storing propane
4 utilizes above-ground (or ground-covered) steel
5 tanks." Now, that is consistent with your earlier
6 testimony, correct?

7 A. Yes.

8 Q. So you would agree with that statement.

9 A. Yes.

10 Q. Okay. And then the next bullet states
11 "The storage caverns are showing signs that they are
12 near the end of their useful life. These East Gas
13 Works storage cavern has recently exhibited a very
14 slight casing leak for the first time. We understand
15 that the Todhunter Cavern, which serviced Dick's
16 Creek and was owned and operated by Enterprise, is no
17 longer operational because of a storage integrity
18 issue." Do you see that?

19 A. I do.

20 Q. And you have no reason to dispute that.

21 A. No.

22 Q. Okay. And then the next bullet. "Unlike
23 natural gas, which is lighter than air and will
24 quickly dissipate in the event of a leak, propane is
25 heavier than air, and if leaked will seek low-lying

1 areas where it can amass and become a more serious
2 safety hazard." Do you see that?

3 A. I do.

4 Q. Do you have any reason to disagree with
5 that statement?

6 A. No.

7 Q. Okay. Let's turn back to your testimony
8 and specifically the Question and Answer that we
9 started this with on page 19. "Has Duke adequately
10 shown the need to retire the PA plants?" And your
11 answer with the conclusion that there is no current
12 need to retire the propane-air plants goes through
13 21, and so I would ask you to show me, in your answer
14 to this question, a reference that the Lummus Report
15 specifically addressed the propane-air peaking plants
16 or the propane caverns.

17 A. I am not sure I understand your question.
18 Could you rephrase?

19 Q. Sure. Anywhere in your answer do you
20 reference the recommendation by Lummus Consultants
21 that Duke Energy evaluate the decommissioning of the
22 propane plant?

23 A. I made several references to the Lummus
24 Report, but I'm not sure that I formally stated that
25 they had recommended the decommissioning of the

1 plants. My reference to the Lummus Report, page 20,
2 is with regard to the cost data I show in the small
3 table at the bottom of page 20.

4 Q. Correct. And besides that, that's the
5 only reference in your answer to the Lummus Report.

6 A. No. On page 19, I also refer to the
7 Lummus Report that provided peak output data for --
8 for the two plants. In fact, I provided two
9 footnotes to -- to the Lummus Report, so.

10 Yeah, I indicated, page 19, in the first
11 paragraph, that the description of these facilities
12 are available in the Lummus Report, and then I
13 mentioned the peak output as provided by the Lummus
14 Report. And the third reference to the Lummus Report
15 was on the cost data at the bottom of page 20.

16 Q. Would it be fair to say there is no
17 reference to the -- the specific recommendation by
18 Lummus Consultants regarding the propane-air
19 facilities and the propane caverns?

20 A. With reference to their recommendation of
21 the decommissioning; is that what you are asking?

22 Q. Correct.

23 A. Yes. I didn't state it explicitly.

24 Q. A reader of this would not know, by your
25 answer, that the very report that you reference

1 almost 40 times in your report and no less than three
2 times in the answer, that those specialized experts
3 had recommended that Duke Energy seriously consider
4 the decommissioning of the propane plants.

5 MR. KEANEY: I am going to object to the
6 extent this calls for the witness to speculate what a
7 reader might know. He can only testify as to his
8 personal knowledge. He can't testify about what
9 someone else might interpret a document to mean.

10 MR. YSKAMP: I have an objection as well.
11 It just misstates the record. It didn't say
12 "seriously consider." It said "evaluate" in the
13 Lummus Report.

14 ALJ PARROT: Maybe try to rephrase it,
15 Mr. Heslin.

16 MR. HESLIN: I can do that. I just -- am
17 I going to have to have both -- is everyone objecting
18 or is one person handling this witness? I am fine
19 either way, I just want to know if this is going to
20 be open objection forum.

21 MR. KEANEY: Both the City and County and
22 NOPE are sponsoring this witness. I would also like
23 to mention that counsel for the Company have switched
24 witnesses at the same time.

25 MR. HESLIN: Not the same witness.

1 MR. KEANEY: I don't believe that to be
2 true but I could be incorrect.

3 MR. HESLIN: You are mistaken. You are
4 mistaken.

5 ALJ PARROT: That does raise a question I
6 had. Dr. Guldmann, on whose behalf are you
7 testifying on today? It's not clear from your
8 testimony. I've heard from counsel now on the
9 subject, but I would like to hear from you.

10 THE WITNESS: I am testifying on behalf
11 of NOPE, the City of Cincinnati, and the County of
12 Hamilton.

13 ALJ PARROT: Thank you. It's not clear
14 from the cover page of your testimony that that's the
15 case, so thank you for clarifying.

16 THE WITNESS: I thought I had put it,
17 your Honor, at the very beginning. The second page.

18 ALJ PARROT: I think you reference that
19 on the second page, but not on the cover, which is
20 why I was asking for clarification.

21 THE WITNESS: You are right, it's on
22 page 2, yes.

23 ALJ PARROT: Thank you.

24 With that, we should have one counsel
25 that's handling this witness, and I believe that's

1 Mr. Yskamp.

2 MR. KEANEY: Understand, your Honor.

3 ALJ PARROT: He's objected. I have asked
4 you to clarify or restate your question, so let's do
5 that.

6 MR. HESLIN: Thank you, your Honor.

7 Q. (By Mr. Heslin) In your answer on pages
8 19 to 21 to the question that we've been discussing,
9 there is no reference in that part of your testimony
10 to the fact that Lummus Consultants recommended that
11 Duke Energy evaluate the decommissioning of the
12 propane-air plants and the propane caverns, correct?

13 A. Correct.

14 Q. And that is in the face of the fact that
15 they specifically address that issue in the report,
16 correct?

17 A. Correct.

18 Q. And that is despite the fact that you
19 reference the Lummus Report in approximately 38
20 footnotes in your report, correct?

21 A. Correct.

22 MR. YSKAMP: Objection. This has been
23 asked and answered three times now.

24 MR. HESLIN: That was the restatement of
25 the question.

1 ALJ PARROT: Right. Overruled.

2 Q. (By Mr. Heslin) So to clarify, you have
3 no specialized experience in propane caverns,
4 correct?

5 A. Correct.

6 Q. You did not confer with any experts on
7 propane cavern integrity, correct?

8 A. Correct.

9 Q. Your entire conclusion is based upon the
10 references indicated in your report, correct?

11 A. Correct.

12 Q. And the -- one of the reports that you
13 have referenced has recommendations that appear to be
14 contradictory to your testimony, correct?

15 A. I'm not sure that it's contradictory
16 because the recommendation of Lummus is that Duke
17 evaluate, and "evaluate" is not like saying Duke
18 Energy should decommission the plants, should ever do
19 decommissioning of the plants; so there is a process
20 of evaluation of analysis that has to be involved.

21 Q. Later, in the Lummus Report, they lay out
22 multiple alternatives or potential projects that Duke
23 Energy should entertain to address the
24 decommissioning of the propane plants, correct?

25 A. Correct.

1 Q. So -- and your testimony, for several
2 pages, lays out those alternatives, correct?

3 A. Yes.

4 Q. And all those alternatives have in mind
5 the retirement of the propane-air plants, correct?

6 A. The Lummus Report, in its analysis of
7 various expansion scenarios, assumes that the
8 propane-air plants are taken out.

9 Q. Okay. So they not only recommended the
10 evaluation, but they went through very detailed
11 analyses about potential projects that Duke Energy
12 could explore that included the decommissioning of
13 the propane-air plants?

14 A. Yes, that was their option. They didn't
15 have to do that, but they did that.

16 MR. HESLIN: Your Honor --

17 Q. Okay. Professor, that's -- that's the
18 question and answer regarding the propane-air plants,
19 correct, in your report?

20 A. Are you asking me whether I have
21 additional comment regarding propane-air plants?

22 Q. Let me ask it -- let me ask it better.
23 That wasn't very precise.

24 Pages 19 through 21 are where you address
25 the question whether Duke adequately has shown the

1 need to retire the propane-air plants, correct?

2 A. Yes.

3 Q. And if you could turn to page 21, in the
4 middle of the page is a question, "Is the C314V
5 Project necessary to support inspection, replacement,
6 and upgrading of aging infrastructure?" Do you see
7 that?

8 A. I do.

9 Q. And then you have an answer that goes
10 through the middle of the page and then another
11 section starts. Do you see that?

12 A. Yes, I do.

13 Q. So this is the part of your testimony
14 where -- where you address that other factor, I
15 believe it was the third factor of whether the
16 Central Corridor Project is necessary to support
17 inspection, replacement, and upgrading aging
18 infrastructure, correct?

19 A. Correct.

20 Q. And your answer is "The C314V Project is
21 not necessary to achieve this goal." Do you see
22 that?

23 A. I do.

24 Q. And then you explain some of the projects
25 on other lines that Duke Energy is planning to

1 perform to either upgrade or replace those lines,
2 correct?

3 A. Yes.

4 Q. And you provide this description that
5 Duke Energy intends to replace sections of Line A
6 over the next 20 years, correct?

7 A. Yes.

8 Q. And sections of Line EE were scheduled to
9 be replaced in 2018 and 2021, that is before the
10 scheduled start of C314V, correct?

11 A. Yes.

12 Q. And then Line V is scheduled for
13 replacement in 2022 and 2023. Do you see that?

14 A. I do.

15 Q. Now, your next statement, and I want to
16 break it up, it states "While C314 could provide,
17 1) alternative feeds to the south end of Line A via
18 Line V," and then "2) an alternative feed to Line V
19 when segments are disconnected, and/or 3) an
20 alternate feed to Line V and the north section of
21 Line EE when disconnected...." Those phrases, would
22 it be fair to say that you're stating that Central
23 Corridor could provide alternate feeds when upgrading
24 or replacement projects were performed on those
25 lines?

1 A. I stated that the project could provide
2 alternative feed, but I'm also adding that within the
3 discovery, DE admitted that the Lines AA, EE, and V
4 could be upgraded and/or replaced -- replaced without
5 operating C314V. The precise statement in the
6 discovery was maintained, but I understood it in a
7 broader sense that maintenance also involves
8 replacement of parts and elements in a system.

9 Q. Okay.

10 MR. HESLIN: May we approach, your Honor?

11 ALJ PARROT: You may.

12 MR. HESLIN: We would ask to mark the
13 exhibit which is a request for admission,
14 NOPE-RFA-01-001 as Duke Energy Ohio Exhibit 16.

15 ALJ PARROT: Mr. Heslin, I believe this
16 may have been marked as City/County Exhibit 31 and
17 admitted into the record already.

18 MR. HESLIN: It was, and I can reference
19 it as that.

20 ALJ PARROT: Let's do that.

21 MR. HESLIN: 31, your Honor?

22 ALJ PARROT: Yes. City/County Exhibit
23 31.

24 Q. (By Mr. Heslin) Professor, you have in
25 front of you City/County Exhibit No. 31. Now, I want

1 to take you back to your testimony. You say Duke
2 Energy admits, and then reference 84 in the footnote
3 references NOPE-RFA-01-001, correct?

4 A. Correct.

5 Q. Okay. And that is the request for
6 admission that is designated as City/County Exhibit
7 No. 31; is that correct? Yes?

8 A. Correct, yes.

9 Q. And in your testimony you state Duke
10 Energy admits that Lines A, EE, and V can be upgraded
11 and/or replaced without operating C314V, correct?

12 A. Correct.

13 Q. And that includes the reference to
14 City/County Exhibit No. 31, right?

15 A. Uh-huh, yes.

16 Q. And you based your entire opinion that
17 Duke Energy had admitted that it could upgrade or
18 replace these lines on City/County No. 31, correct?

19 A. Correct.

20 Q. And can you read that request for me?

21 A. Sure. "Admit that you can perform
22 maintenance on existing lines in the central corridor
23 without building the proposed pipeline."

24 Q. Can you show me where it references
25 upgrading of pipelines?

1 A. I think I have already stated that point.
2 It doesn't include the word "upgraded." I indicated
3 that my understanding of maintenance involves also
4 possible replacement and upgrading.

5 Q. The question in your testimony references
6 inspection, replacement, and upgrading explicitly,
7 correct?

8 A. Yes.

9 Q. And then in the first sentence -- second
10 sentence, it states "Duke Energy intends, as it
11 should, to conduct regular maintenance and upgrades
12 on its existing lines," correct?

13 A. Correct.

14 Q. And then you talk about replacements,
15 correct?

16 A. Yes.

17 Q. So in your answer -- in your testimony,
18 maintenance, upgrades, and replacement are explicitly
19 stated separately.

20 A. They may be stated separately, but in my
21 mind, "maintenance" is a general term that would
22 involve, first of all, inspection necessarily and
23 then it may involve replacing parts, whatever their
24 size, when necessary. So essentially my view is that
25 the term "maintenance" involves -- may involve small

1 capital investments, replacing parts.

2 Q. So it's your testimony you inferred from
3 the admission to RFA, NOPE-RFA-01-001, that it
4 included upgrade and replacement, correct?

5 A. Yes. Because in any case there would be
6 no need for the project, for instance, to conduct
7 inspection, and clearly maintenance would involve
8 some work on the lines and that may need a closure of
9 some portions of the line, temporarily, to conduct
10 whatever maintenance and replacement is necessary.

11 Q. So, therefore, is it your testimony in
12 your answer on page 21, we could just replace the
13 words "upgrade" and "replace" with "maintenance"
14 throughout? Because you deal with them separately in
15 your testimony.

16 A. I think you could. Clearly maintenance
17 has to involve some action on the equipment, beyond
18 pure inspection and detection of the problems.

19 Q. Now, the NOPE RFA was drafted by NOPE,
20 correct?

21 A. I have no reason to doubt that.

22 Q. So they decided on the wording of this
23 RFA, correct?

24 A. They decided, yeah.

25 Q. Okay. And they could have included

1 "upgrade and replacement" in that RFA, could they,
2 right?

3 A. They could, and I would infer that they
4 understood the term "maintenance" in a more general
5 term than what you seem to imply.

6 Q. And just to be clear, your entire
7 conclusion regarding this issue is based entirely on
8 your interpretation of RFA-01-001, correct?

9 A. It is, as there is no other information
10 really in the Amended Application or other documents
11 detailing the possible upgrade, replacement, and
12 their intake flow implications, so this was the only
13 basis and essentially I relied on Duke's admission of
14 that point.

15 Q. Okay. Professor, let's talk about the
16 north-south balance, and I will refer you back to
17 page 19 of your testimony. If you will look towards
18 the top of the page, the question is "Will the C314V
19 project achieve Duke Energy's stated goal of
20 improving north to south flow across the system?" Do
21 you see that?

22 A. I do.

23 Q. And your answer is "No."

24 A. Yes.

25 Q. Okay. And it specifically asks about

1 whether it will improve north to south; is that
2 correct?

3 A. Yes.

4 Q. Okay. And when discussing this
5 north-south balance, would you agree that bringing
6 more supply at increased pressure from the north,
7 would help improve the balance between -- the
8 north-south balance on the Duke Energy Ohio/Duke
9 Energy Kentucky integrated system?

10 A. Of course it would improve the balance.
11 My point is that the project does improve it in a
12 very marginal way and, therefore, it is my opinion
13 that it doesn't achieve a real goal of significantly
14 lessening the dependence of the whole system on the
15 supply from Foster.

16 Q. In your testimony you state that the
17 proposed 20-inch pipeline is expected to reduce
18 reliance from 55 percent to 45 percent, correct?

19 A. This is in one of the scenarios when the
20 flow from the north through C314V is maximized. In
21 the other scenario, when Foster is maximized, the
22 balance is much less favorable. So essentially the
23 improvements that would be brought in by the project
24 would be reducing the dependence on Foster from 55 to
25 60 percent -- 60 percent is a value provided by Duke

1 over the last few years from the date of the
2 Application -- to a number between maybe 45 and
3 50 percent.

4 Q. So a differential of 60 percent to around
5 45, 50 percent, is what you are saying?

6 A. That's what I am saying.

7 Q. And you would characterize that as a
8 minor improvement?

9 A. I characterize it as a minor improvement
10 because it doesn't solve the -- the dependency of the
11 system on the supply from Columbia Gulf Transmission
12 through Foster. Would -- would that supply be
13 interrupted, that would still lead to serious
14 consequences as outlined by Duke in its application.

15 Q. The differential, whether it's 55 to 45
16 or 60 to 50, that would incorporate the concept that
17 the propane-air facilities would be abandoned,
18 correct?

19 A. All the scenarios proposed by Duke in its
20 Application, as well as all the scenarios presented
21 in the Lummus Report or assumed, assume that the P-A
22 plants are not contributing.

23 Q. Okay. So I'm just referring to your
24 testimony right now on page 19 where you state the
25 proposed 20-inch pipeline is expected to reduce

1 reliance from 55 percent to 45 percent. Do you see
2 that?

3 A. Yes, I do.

4 Q. That improvement also includes the fact
5 that the Central Corridor Pipeline will replace the
6 propane-air facilities as well, correct?

7 A. That's correct.

8 Q. Okay. So that differential is in
9 addition to the replacement of the propane-air plant.

10 A. Yes. It doesn't account for the
11 propane-air plants.

12 Q. Okay. In the -- at the end of your
13 answer you talk about other options that Lummus
14 developed, and I believe later in your report you
15 state your preference for those options, correct?

16 A. Absolutely.

17 Q. Okay. And that's because in -- based on
18 your review of the Lummus Report, it appears -- some
19 of these scenarios appear to address this north-south
20 balance more so than the Central Corridor Project,
21 correct?

22 A. Absolutely.

23 Q. Now, would you agree with me that the
24 initial design for the Central Corridor Project that
25 included a 30-inch pipeline would have had a greater

1 impact on the north-south balance?

2 A. Sure, it would have brought in more gas.
3 Due to the higher capacity.

4 Q. Well, from a system planner or hydraulic
5 perspective, bringing in more gas from supply in the
6 north would improve the north-south balance, correct?

7 A. It would.

8 Q. And Duke Energy downsized the pipeline in
9 response to concerns from the community regarding
10 safety, correct?

11 A. That's correct.

12 Q. You have no reason to doubt that's the
13 reason.

14 A. No.

15 Q. And from an operational perspective, that
16 does lead to a decrease in the impact of the pipeline
17 on the north-south balance, correct?

18 A. Yes, it does.

19 Q. Let's turn to these alternatives that you
20 prefer out of the Lummus Report and in -- let me ask
21 you to turn to page 22. And on page 22 there is a
22 question, "Please describe the expansion scenarios
23 presented in the Lummus Report." Do you see that?

24 A. Yes.

25 Q. And you provide an answer from 22, 23,

1 24, to the next question on 25. Do you see that?

2 A. Yes, I do.

3 Q. And then the question is, "How does
4 Lummus evaluate these scenarios?"

5 A. Yes.

6 Q. Do you see that?

7 A. Yes.

8 Q. And your answer is from 25 to 26 and then
9 the question is, "Did Duke obtain other route
10 evaluations?" And then you reference the Route
11 Evaluation Report that is designated in Footnote 111
12 of your direct testimony; is that correct?

13 A. Yes, that's correct.

14 Q. Okay. So would it be fair to say
15 pages 22 to 27 are just facts or repackaging of
16 what's contained in the Lummus Report in the Route
17 Evaluation Report?

18 A. Yes. It is a restating of critical
19 review of what was included in the Lummus Report.

20 Q. Until the later questions, there is no
21 analysis in 22 to 27, correct?

22 A. No. It's only an analysis of the data
23 provided in the Lummus Report.

24 Q. It's a presentation of the data.

25 A. Yes.

1 Q. Okay. So then on page 27 is when the
2 questions come up about the variance. The question
3 on page 27 is "If network expansion is ultimately
4 necessary, what are the better alternatives to the
5 proceeds C314V line?" Do you see that?

6 A. Yes.

7 Q. And your answer is "The line W-1 (or its
8 minor variant W-2) proposed by Lummus presents the
9 best option by far, both in terms of population
10 exposure and ability to provide a good north-south
11 flow balance as described below." Do you see that?

12 A. Yes, I do.

13 Q. Okay. So -- and then you provide your
14 analysis to support that answer, correct?

15 A. Yes.

16 Q. And to be clear, you performed a
17 population analysis as part of this -- your
18 assessment, correct?

19 A. Yes. I performed a population and
20 land-use analysis.

21 Q. As far as the north-south, the
22 hydraulics, the system aspects, you relied entirely
23 on the Lummus Report, correct?

24 A. Yes, I had to, as I had no means to
25 perform such analysis, not having access to your

1 Synergi model.

2 Q. Okay. And I believe in JMG-6 is where
3 you have some exhibits that are related to your
4 assessment of scenario W-1, and for all intents and
5 purposes, the variant W-2, correct?

6 A. Yes. The W-2 is really an extension of
7 W-1 with a small lateral to the Miami Fort Power
8 Plant; so that could provide the option of serving
9 this power plant.

10 Q. Okay. So I refer your attention to
11 Exhibit JMG-6 of your filed testimony and Figure 2 in
12 particular.

13 A. Yes.

14 Q. It's a map of -- an overlay map of the
15 Proposed W-1 that is contained in the Lummus Report
16 that you designate as your preferred option, correct?

17 A. Correct.

18 Q. And that's based on the population
19 analysis and also the assessment by Lummus that it
20 would have the greatest impact on north to south,
21 correct?

22 A. Yes. It's based on both Lummus' analysis
23 of the flow balance and my analysis of the population
24 and land-use exposure of this pipeline as compared to
25 C314V.

1 Q. Okay. And just to kind of walk through
2 that variant or this alternative, it starts off on
3 Harrison Avenue; is that still in Hamilton County?

4 A. I'm pretty sure it is in Hamilton County,
5 yes.

6 Q. It runs down, and there is a point with
7 an I-275, once again we are still on Figure 2, to
8 Brower Road.

9 A. Uh-huh, yes.

10 Q. And then it goes under the river,
11 presumably into Kentucky, and then essentially the
12 southern half of the pipeline is in Kentucky until it
13 presumably connects with the system, the rest of the
14 system at Anderson Ferry, correct?

15 A. That's correct. I followed the outline
16 as presented in the Lummus Report to -- to
17 approximately draw the line.

18 Q. This alternative, do you have any opinion
19 whether the Ohio Power Siting Board has siting
20 authority over a pipeline that half of it,
21 approximately 6 or 7 miles, is in Kentucky?

22 A. I really do not know the details of
23 regulation in this regard. My assumption would be
24 that there would be possibly a need for the
25 corresponding authority in Kentucky to -- to approve

1 that line. I would also add that as I said before, I
2 followed the outline of Lummus, but a close
3 alternative could be having the line on the right
4 side of the river and maintain it wholly within Ohio
5 and resolving this problem without much of a
6 difference so.

7 Q. But you have conducted zero analysis on
8 the viability of that line remaining on the eastern
9 bank of the river?

10 A. I have not.

11 Q. Okay. And you did not perform any
12 jurisdictional analysis regarding this potential
13 alternative, correct?

14 A. No.

15 Q. Looking at this figure, it looks like it
16 would pick up gas off of interstate provider at
17 Harrison Ave., and then, as we said, cross over in
18 Kentucky. Would it be fair to say, because of the
19 interstate nature of these proposed facilities, this
20 would be a FERC-jurisdictional pipeline?

21 A. It could be. I am not sure about that
22 because this is -- would be a small pipeline around
23 16 to 18 miles and it would be part of an integrated
24 system. So it may be that FERC would have to -- to
25 be an intervenor or an approver of the project, but I

1 am not absolutely sure.

2 Q. You didn't perform any FERC-specific
3 analysis as to the nature of these facilities,
4 correct?

5 A. No, I didn't. I assumed that, as this
6 alternative was included in the Lummus Report, it was
7 certainly a possibility that Duke would consider; and
8 certainly Duke considering this alternative, would
9 have accounted for the possibility of involving other
10 regulatory bodies. So my focus has been exclusively
11 here on looking at the population and land-use
12 exposure to this option.

13 Q. And so, you don't know if Duke Energy
14 Ohio could obtain authority to build facilities in
15 Kentucky, correct?

16 A. I assume that Duke Energy Ohio could
17 obtain -- could apply for such an extension in
18 Kentucky from Kentucky authorities. Obviously the
19 whole Duke system, Duke Energy system is an
20 integrated system which is made of two parts, one in
21 Ohio, one in Kentucky, but it's one system. The gas
22 flows do not know such jurisdictional boundaries. So
23 the only reason why you have two different
24 jurisdictions is simply because you have two
25 companies, Duke Energy Ohio and Duke Energy Kentucky.

1 And so, therefore, they report to different
2 regulatory bodies. But it's really one system.

3 Q. Were you aware that DEO and DEK charge
4 FERC-jurisdictional rates to each other because of
5 their interstate nature of the facilities?

6 A. I was not aware of it, but I'm not
7 surprised about it.

8 Q. Beyond the population study, you didn't
9 perform any other analysis regarding viability of
10 this proposed alternative.

11 A. No, I didn't, because as I said, I took
12 it that this project was included in the Lummus
13 Report, and I assumed that Lummus would not present
14 an option that would be completely unviable.
15 Therefore, I presumed it was viable.

16 Q. So your assumption.

17 A. It was my assumption based on my
18 understanding of the report.

19 Q. Now, the other alternative that your
20 testimony explores is the potential looping of
21 Line A, correct?

22 A. Yes.

23 Q. And I refer your attention to page 27,
24 back to that question where you talk about the W-1,
25 W-2 variant. The last sentence there, and I'll read

1 just the last part of it, "while another example
2 would be looping/upgrading lines WW and A, although
3 those are not my preferred options as explained
4 below." Do you see that?

5 A. I do.

6 Q. Okay. Now, Duke Energy has stated that
7 the current right-of-way and the easement width is
8 not sufficient to provide a looping of that line.
9 You understand that, correct?

10 A. I read that.

11 Q. Okay. And let's make sure we are all
12 clear on what looping is. A looping facility would
13 be the laying of another pipeline, presumably a
14 higher-pressure, higher-capacity pipeline, right next
15 to Line A and -- correct?

16 A. Yes.

17 Q. And is it your testimony, if indeed the
18 easement width is not sufficient for that looping,
19 that Duke Energy should go about the process of
20 expanding an additional easement width or
21 right-of-way to allow for the looping of Line A?

22 A. Duke should certainly consider that
23 option and investigate the possibilities of expanding
24 the right-of-way.

25 Q. Have you ever walked or tracked the

1 Line A route?

2 A. Well, I -- I have been shown a map of
3 Line A during the deposition.

4 Q. So my -- and I just want to be clear, are
5 your clients, NOPE, advocating the looping of Line A
6 through the broadening of the right-of-way or
7 easement?

8 MR. YSKAMP: Objection. He is asking the
9 witness to speculate about what my clients are
10 advocating.

11 A. I don't know --

12 ALJ PARROT: Dr. Guldmann.

13 MR. YSKAMP: Dr. Guldmann, don't answer
14 until --

15 ALJ PARROT: Were you finished,
16 Mr. Yskamp?

17 MR. YSKAMP: Yeah.

18 ALJ PARROT: Response?

19 MR. HESLIN: This testimony is provided
20 on behalf of NOPE, the City of Cincinnati, and the
21 County. They -- he states the Line A looping project
22 as an alternative to the Central Corridor Project.
23 I'm asking him if his clients are in agreement with
24 his proposal that Line A be looped in order to serve
25 some of the issues that the Central Corridor Project

1 addresses.

2 ALJ PARROT: And, Dr. Guldmann, to the
3 extent you are able to, please answer the question.

4 THE WITNESS: Yes, I will.

5 I have been asked, when I was engaged on
6 this work, to review the material and to provide my
7 opinion as to regarding the project and possible
8 alternatives. I have not directly interacted with
9 NOPE and so I don't know whether NOPE is in favor of
10 looping Line A and expanding the right-of-way. This
11 is my personal view.

12 And I would add, as I started to say
13 before, that based on the map you provided me with
14 the outline of Line A on the background of Google
15 Earth picture, I certainly on that map couldn't see
16 any buildings and other structures in any significant
17 concentration along the line, in contrast to all the
18 buildings that could be seen on the map for the
19 Preferred and Alternative Route. That would suggest
20 to me that expanding the right-of-way might not be a
21 major issue.

22 Q. (By Mr. Heslin) And would your answer
23 be -- regarding whether your clients are advocating
24 it, it would be the same for the City and the County?

25 A. Yes.

1 Q. Okay. You just testified you were
2 engaged to handle this work, review materials, and
3 you provided your opinion regarding the project and
4 possible alternatives. You did not go back to your
5 clients to seek agreement, correct?

6 A. No.

7 Q. Do you have any idea whether your clients
8 agree with anything in your report?

9 MR. KEANEY: Objection, your Honor. He
10 is asking now about my client. If I may be heard?
11 If he wants to confine it to NOPE, then I will stay
12 out of it.

13 MR. HESLIN: I'll confine it to NOPE.

14 ALJ PARROT: Okay.

15 MR. YSKAMP: Yeah. He has already
16 answered he hasn't even spoken with them so he has
17 already answered this question.

18 MR. HESLIN: It's a broader question,
19 your Honor.

20 ALJ PARROT: Overruled.

21 Go ahead, Dr. Guldman.

22 A. As I said, I have not interacted with
23 either NOPE, nor the City, nor the County. I have
24 reviewed all the material that was made available to
25 me by Mr. Yskamp as well as Mr. Keaney and Mr. Lang,

1 but all my testimony is based on the analysis of this
2 material.

3 MR. KEANEY: And, your Honor, if I may,
4 if I could direct the witness, any communication that
5 you've had where counsel has been present for either
6 NOPE or the City or County, don't answer. Don't
7 provide any of that information.

8 MR. HESLIN: And to be clear, I am not
9 asking for it.

10 ALJ PARROT: General questions as you've
11 asked so far, Mr. Heslin, fine. But yes,
12 Dr. Guldman, they are not asking you to divulge the
13 details of conversations with your attorneys.

14 MR. HESLIN: And I am moving on, your
15 Honor.

16 Q. (By Mr. Heslin) Just for the record, you
17 referenced a map from your deposition and we don't
18 have it in front of us now, but that was a map that
19 included designations for the Preferred and Alternate
20 Route as well as Line A; is that correct?

21 A. That's correct.

22 Q. And is it your opinion that Central
23 Corridor, from a hydraulic perspective, serves
24 virtually an identical role as a looping of Line A
25 would?

1 A. It could, yeah.

2 Q. The starting point and the endpoint for
3 those lines are very close, correct?

4 A. Very close. The Line A ends at Norwood
5 and the Alternate Route also -- the other one ends at
6 Fairfax. So all these points are fairly close on
7 Line V.

8 Q. Let me ask you to turn to page 2 of your
9 testimony, and that's Roman Numeral I, Market Demand
10 Analysis.

11 A. Okay.

12 Q. And would it be fair to say that from
13 pages 2 through -- through the top of 8 is your
14 market assessment? Market demand analysis?

15 A. Market demand analysis runs from page 2
16 to page 12.

17 Q. Okay. Let me actually have you go to
18 page 8, which I just referenced, and that's where
19 you -- I'll wait for you to get there. Sorry.

20 A. Yeah, I'm fine.

21 Q. You referenced the designation in the
22 Amended Application regarding Duke Energy supplying,
23 in their current system at the time of that
24 Application, a 43,000 Mcf per hour peak-hourly flow.
25 Do you see that?

1 A. I do.

2 Q. Okay. And you also note in your
3 testimony that for modeling purposes in the Cinergy
4 modeling that are referenced in the Amended
5 Application, the Mcf for the peak-hourly flow that
6 was inputted was 45,500, correct?

7 A. That's correct.

8 Q. And as part of the conclusions in your
9 market demand analysis, you take issue with Duke
10 Energy using the 45,500 peak-hourly flow in their
11 modeling; is that correct?

12 A. That's correct.

13 Q. I would ask you to turn to page 11 of
14 your testimony. In the middle paragraph there, and
15 this is -- I'll represent based on the citations
16 that -- a lot of this is based on the Lummus Report.
17 You indicate that Lummus reports a peak-day flow in
18 January 2014 of 956,726 Mcf per day. Do you see
19 that?

20 A. Yes.

21 Q. And just to be clear, that was the actual
22 daily flow, correct?

23 A. In fact, it is not. This is -- the value
24 of 956,726 is the smooth value as computed by Lummus.
25 The actual flow on January 6, 2014, was the

1 926,000-plus something. But they used a model,
2 statistical model, and estimated that value at 956
3 which was about 3.2 percent above the actual value.

4 Q. Okay. So when -- on page 11 of your
5 testimony, when you indicate that they reported it
6 was the actual peak-day flow; is that inaccurate?

7 A. It is somewhat inaccurate. It is really
8 smooth instead of actual. It should be smooth. It
9 is a statistical term.

10 Q. What do you mean by "smooth"?

11 A. It is a little bit difficult to explain
12 but I will try my best. If you look at the Lummus
13 Report, I think it's Figure 28. I don't remember the
14 page. In any case, Lummus took the hundred coldest
15 days over the period of 2009 and 2014. Took the peak
16 actual flows on these hundred days, divided by the
17 total number of customers so had an average daily
18 flow per customer, and then plotted these values
19 versus the number of degree days on that day. And
20 they estimated a line that went through the clouds of
21 plotted points and they used that line to estimate
22 the value for 70 Heating Degree Days and that's how
23 they obtained the 956,000-plus value. But in the
24 report they clearly state that the actual value on
25 that day was 926-plus. That's on the same page or

1 similar in the report.

2 Q. And later in your testimony, in the same
3 paragraph, I am not moving from it.

4 A. Okay.

5 Q. You say that Lummus reports, in Table 13,
6 the firm peak-hour gas flow at 1 percent
7 exceedance --

8 A. Yes.

9 Q. -- was estimated to be 45,578 Mcf per
10 hour in 2014. Do you see that?

11 A. Yes, I do.

12 Q. And you indicate this corresponds to the
13 1 percent firm daily peak of 951,194 Mcf per day
14 using a peak factor of 1.15. And that's how you --
15 Lummus arrived at 45,578, correct?

16 A. Right. To clarify, because this is a
17 little bit, even in my mind, complicated. Table 11
18 presents a Duke Energy forecast of peak daily flows.
19 And if you look at the last column of that table, for
20 instance in 2014, you get a value of 951,000. I
21 think that's the number I mentioned.

22 Q. Right. And I am not -- I am not asking
23 for how they got there. You can -- you can cover
24 this with --

25 MR. YSKAMP: Your Honor, I think he is

1 just clarifying his answer.

2 A. I am trying to clarify something.

3 MR. HESLIN: I believe the question
4 was --

5 MR. YSKAMP: We've let witnesses clarify
6 the entire time. I would like him to be able to
7 clarify his answer.

8 ALJ PARROT: Go ahead and finish,
9 Dr. Guldmann.

10 A. Okay. Of the 951,000-plus in Table 13
11 and in column, 1 percent exceedance in 2014 was a
12 forecast by Duke Energy, a daily forecast, using its
13 own models. Then Duke -- no -- essentially Lummus
14 then created Table 13 which converted the daily peak
15 forecast to the hourly peak forecast, first by
16 dividing the 951,000 by 24 to have an average hour
17 flow, and then multiply by the peaking factor of
18 1.15.

19 So the peak-hour number that you
20 reference, 45,578, is derived simply by a
21 arithmetical/numerical operation from the number in
22 Table 11 which are, themselves, forecast by Duke, not
23 by Lummus, using their own model.

24 So I wanted to clarify that because, in
25 my view, the whole question is whether Duke's model

1 in establishing forecast is improper.

2 Q. So Lummus went through everything you
3 just said and then they arrived at the number, 45,578
4 Mcf per hour, correct?

5 A. Yes.

6 Q. And then you state in your testimony,
7 "This would be less than the actual peak-hour flow
8 experienced on January 6, 2014, and would suggest
9 that the existing 2014 system is able to satisfy a
10 target of 45,500 Mcfh, as used in the Amended
11 Application." Do you see that?

12 A. Yes.

13 Q. So in 2014 the system was required to
14 handle a peak-hourly flow that exceeded 45,578 Mcf
15 per hour.

16 A. I'm not sure I understand what you are
17 saying because I'm not sure I understand the word
18 "required." Or what -- the 45 -- okay. Let me
19 clarify. The 45,500 -- let me see, 45,578, that is a
20 target peak flow that was estimated by Lummus and
21 Duke. I didn't say that Duke was required to satisfy
22 this flow. And, in fact, in Table 12 where you have
23 actual flows in 2014, there are about 10 flows in
24 2014, all these flows are below 43,000 Mcfh.

25 Q. And I am just referencing your own

1 testimony, Professor, where you say this would be
2 less than the actual peak-hour flow experienced on
3 January 6, 2014.

4 A. Well, then I'll correct myself on that
5 one because Table 12 indicates the actual flow which
6 is lesser. So the actual flow on January 6, 2014,
7 was around 42,500 Mcfh.

8 Q. So your testimony today is that your
9 statement in your direct filed testimony, "This would
10 be less than the actual peak-hour flow experienced on
11 January 6, 2014," is wrong.

12 A. Yes, it is, because the actual flow is
13 42,500, around that number.

14 MR. HESLIN: May I approach, your Honor?

15 ALJ PARROT: You may.

16 Q. Professor, you have in front of you a
17 copy of the deposition transcript from this Monday.

18 A. Sure.

19 Q. Do you see that?

20 A. Yes, I do.

21 Q. And you recall on Monday that you
22 provided sworn testimony in front of a court
23 reporter, correct?

24 A. Yes.

25 Q. And would you agree that this is a

1 transcript of your sworn testimony?

2 A. Yes.

3 Q. And I would refer you to page 132.

4 A. Okay.

5 Q. Line 12. And I will read for you:

6 "Question: So it's your testimony that
7 that 45,578 is less than the actual peak hour flow
8 experienced on that date January 6, 2014, correct?

9 "Answer: Correct.

10 "Question: So the system has handled a
11 peak hour flow of around 45,000, correct?

12 "Answer: That's what the data says.

13 "Question: And that was based on the
14 weather conditions in January 2014?

15 "Answer: I assume so. It has to be."

16 And did I read that correctly?

17 A. Yes, you read that correctly.

18 MR. YSKAMP: Objection, your Honor. I am
19 not sure I have the whole deposition transcript. It
20 looks like this is just a portion of the deposition.

21 MR. HESLIN: I think that's because there
22 was a confidential, you might just have to look in a
23 different part. I think you have the whole thing.
24 It's on page 132.

25 MR. YSKAMP: Right. But I think -- I

1 don't know -- I think we need the whole thing to see
2 if he answered this question somewhere else or
3 clarified or something.

4 MR. KEANEY: City and County would join
5 that motion -- objection, excuse me.

6 Q. (By Mr. Heslin) Professor, when I just
7 read that testimony, you followed along with me,
8 didn't you?

9 A. Yes, I followed most of it. Page 31,
10 line 11.

11 MR. HESLIN: Your Honor, there may be a
12 copy issue here. Should we --

13 ALJ PARROT: Let's go off the record.

14 (Discussion off the record.)

15 ALJ PARROT: Let's go back on the record.
16 Go ahead, Mr. Heslin.

17 Q. (By Mr. Heslin) Professor, just a couple
18 more questions. If you could refer to page 12 of
19 your testimony. And there's a question towards the
20 bottom that says "Please describe Duke Energy's gas
21 supply infrastructure." Do you see that?

22 A. Yes, I do.

23 Q. Okay. And then you provide those facts
24 and then on page 13 it says "Please describe Duke
25 Energy's network system." And then you provide

1 additional facts that are based upon, it looks like,
2 the Exeter Report. Do you see that?

3 A. Yes.

4 Q. And that continues on through page 15 to
5 the question "What are the major characteristics of
6 the C314V pipeline extension project?" Do you see
7 that?

8 A. I do.

9 Q. And you answered that through the bottom
10 of 15, and then the question "What are Duke Energy's
11 stated objectives for the C314V pipeline extension
12 project?" Do you see that?

13 A. Yes.

14 Q. And that continues onto page 16 and the
15 question is asked "How did Duke Energy select the
16 Central Corridor Project?" The next question is
17 "What scenarios did Duke Energy test using the
18 Synergi model?" And then onto 17, the question "What
19 other Synergi data does Duke Energy provide in the
20 Amended Application?" Do you see that?

21 A. I do.

22 Q. Would you agree with me at least this
23 section, between 12 and 17, is all facts that you
24 were providing?

25 A. Yes.

1 Q. There's no analysis in those pages,
2 correct?

3 A. No.

4 Q. Okay. I've just got a couple more
5 questions about aged or old facilities. From a
6 system-planning perspective, Professor, does the
7 natural gas utility have to wait until its facilities
8 fail before it can build new infrastructure?

9 A. No, it certainly shouldn't.

10 Q. Does Duke Energy Ohio have to wait for
11 one of these caverns to fail before it can build new
12 infrastructure?

13 A. No, it shouldn't. It should constantly
14 evaluate alternatives, options, and possibly act on
15 them.

16 MR. HESLIN: No further questions, your
17 Honor.

18 ALJ PARROT: Thank you. Mr. Beeler?

19 MR. BEELER: Just a few, your Honor.

20 - - -

21 CROSS-EXAMINATION

22 By Mr. Beeler:

23 Q. Good morning.

24 A. Good morning.

25 Q. I'm Steve Beeler, and I represent the

1 Staff of the Ohio Power Siting Board.

2 A. Okay.

3 Q. Just turning to page 2 of your testimony.
4 In there, in the question, have you testified before
5 the PUCO, you say yes, in a case in 1979. How about
6 the Ohio Power Siting Board? Have you ever testified
7 in front of them?

8 A. No, I haven't testified to the OPSB.

9 Q. Have you ever provided any consulting
10 work for a State Commission on siting matters?

11 A. No. I provided consultation to the
12 Centerior Corporation many years ago, just power
13 transmission line.

14 Q. Okay.

15 A. But I didn't testify.

16 Q. Have you ever done any consulting in
17 preparation of a siting Staff Report?

18 A. No.

19 Q. Have you ever been an employee of a State
20 Commission or a State Siting Board?

21 A. No.

22 Q. No? You state in your testimony you have
23 done some work for -- some California work recently.

24 A. I am consulting on a project.

25 Q. Can you describe that project?

1 A. Sure. It's a climate-change-related
2 project. It's funded by the California Energy
3 Commission. It's a team of university researchers
4 who are trying to assess the vulnerability of the
5 northern California gas system to climate-change
6 impacts, primarily sea level rise and wildfires.

7 Q. Okay. Do you know -- in the process in
8 California, do you know if there is a Staff Report
9 that's required by statute in that case?

10 A. I don't know about the legal aspect, but
11 this is clearly an issue which is of interest to the
12 California Energy Commission.

13 Q. Okay. On that same page, page 2, you
14 describe what documents you reviewed in preparation
15 for your testimony. Did you ever visit the Preferred
16 or Alternate Routes?

17 A. No, I did not visit them.

18 Q. You may have covered this with
19 Mr. Heslin, but did you ever visit any of the Lummus
20 alternatives?

21 A. No.

22 Q. Did you talk with anyone from Duke in
23 any -- in your investigation in preparation of your
24 testimony?

25 A. No. I only relied on the available

1 reports and all the elements in the discovery
2 process.

3 Q. Okay. On page 20 of your testimony, I
4 guess in the third paragraph down, this is the --
5 kind of the line where you edited your testimony to
6 add some language, you state in there "In any event,
7 DE could replace these plants by new P-A plants with
8 modern technology." Do you see that?

9 A. Yes.

10 Q. That modern technology, when you state
11 that, did you perform any safety studies on -- in
12 relation to modern technology?

13 A. No.

14 Q. And this is just for my own
15 clarification, but the -- so you added, today,
16 language right after "modern technology," correct?

17 A. Yes.

18 Q. Did you -- did you -- I listened in to
19 your deposition. Did you make that addition in your
20 deposition as well?

21 A. No, I was not asked to -- to amend the
22 testimony at the time of the deposition.

23 Q. Okay.

24 A. I -- yeah. I noticed it was a line that
25 had been wrongly crossed in track change, and I

1 noticed it after the testimony had been filed, so it
2 was too late to correct it.

3 Q. Okay. So you made that change before
4 your deposition. I was just trying to see if you
5 made it since your deposition. You made it --

6 A. No. I had noticed this missing line
7 before the deposition.

8 Q. Okay.

9 MR. HESLIN: Just to be clear, we didn't
10 change it at the deposition, so it is not in that
11 transcript, that change. I don't know if it's
12 relevant, but I believe that he figured it out
13 beforehand, but we didn't get it on the record.

14 THE WITNESS: Yeah.

15 Q. Okay. Thank you. Kind of a general
16 question, could there be any areas of Cincinnati that
17 benefit from this Central Corridor Pipeline?

18 A. I'm not sure what you mean by "benefit."
19 Could you clarify that?

20 Q. Sure. If this -- if this Alternate
21 Route, as proposed and recommended by the Staff, were
22 built, do you know of any possible benefits for --
23 for the City of Cincinnati and the Cincinnati --
24 Greater Cincinnati area?

25 A. Well, you know, the basic benefit of that

1 route, whether it's the Preferred or Alternative
2 Route, is to bring more gas into the system, to
3 improve, as I said, marginally the north-south flow
4 balance. I haven't gone into detail in terms of the
5 impacts of the two routes. I have summarized them
6 primarily by looking at the, you know, the number of
7 residents and land use that would be crossed by the
8 two lines, and it's one of the exhibits because I
9 wanted to compare that with, you know, similar
10 numbers for the W-1 scenario.

11 MR. BEELER: Thank you. No further
12 questions, your Honor.

13 ALJ PARROT: Any redirect? Would you
14 like a moment?

15 MR. YSKAMP: I would, yes.

16 ALJ PARROT: Okay. Let's take a short
17 break. We're off the record.

18 (Recess taken.)

19 ALJ PARROT: All right. Let's go back on
20 the record. Mr. Yskamp, before we finish, do you
21 have a copy now of the complete deposition of this
22 witness? Did you receive that?

23 MS. KINGERY: It's still on its way over.

24 MR. YSKAMP: I don't think we are going
25 to need it.

1 ALJ PARROT: Okay. All right. Go ahead
2 then.

3 - - -

4 REDIRECT EXAMINATION

5 By Mr. Yskamp:

6 Q. Dr. Guldmann, could you reference page 11
7 in your testimony.

8 A. Yes.

9 Q. Okay. The second full paragraph on
10 page 11, you answered some questions related to that
11 paragraph earlier. Do you remember that?

12 A. Yes.

13 Q. Can you just tell us what -- what is the
14 point you were trying to get across with this section
15 of your report?

16 A. Well, as I concluded at the end of this
17 report, what the data in Table 13 show is that the
18 forecast by Duke/Lummus of the 1 percent exceedance
19 around 45,500 merely remains constant from 2014 to
20 2035. It's a very small increment of 283 Mcfh of
21 0.06 percent. So I couldn't see any growth in -- in
22 this table.

23 Q. Is there a table in the Lummus Report
24 that shows that -- that forecast? That growth
25 forecast?

1 A. Well, that was page --

2 Q. Scratch that. Sorry.

3 So the next paragraph, maybe this will
4 help, you state that "While the load shape data
5 suggests a decline of 31 percent in the peak January
6 flow from 2014 to 2035, the peak-day and peak-hour
7 projections suggest a close-to-constant level." So
8 that load shape data, if you could turn to page 19 of
9 your Lummus Report attachment.

10 A. Yes.

11 Q. And look -- I direct you to Figure 10.
12 Is this the load shape data you were referring to?

13 A. Yes.

14 Q. So in your analysis, were you -- were you
15 trying to make a point about what the actual peak-day
16 flow was?

17 A. Well, in -- in Figure 10, page 19 of the
18 Lummus Report, you have the load shape over the year.
19 In blue, it's the 2014 baseline. And below in
20 different dashed lines and colors, these are
21 different forecasts up to the year 2035. If you look
22 at the first number 01 on the horizontal axis, you
23 can see that's January, you can see the difference
24 between the two, and that's what I -- that's the
25 number 31 percent that I referred to.

1 Based on the Lummus Report, the
2 implication is that the flow in January would decline
3 by 31 percent from the baseline in 2014. And this
4 is, based on my understanding, the -- the existing --
5 the base case, the existing market. So the existing
6 market would decline in terms of peak by 31 percent.
7 What I said before is in Table 13, the estimated peak
8 flow around 45,500 Mcfh by Duke/Lummus remains
9 constant. So, in some way, these are very
10 contradictory figures.

11 Q. So, Dr. Guldman, if you could turn back
12 to page 11 of your testimony.

13 A. Yes.

14 Q. So in your testimony, as has been pointed
15 out today, the second sentence you state "Lummus
16 reports that the actual peak-day flow in January 2014
17 was 956,726 Mcfd." And you stated today that that
18 number is actually not the actual peak flow; is that
19 correct?

20 A. That's correct.

21 Q. When did you realize that?

22 A. The last two days. I kind of reread that
23 section. And if you go to page 47 --

24 Q. 47 of what document?

25 A. Let me see -- yeah 47, the first

1 paragraph, page 47 of the Lummus Report, the fifth
2 line, observed flow on that day was 926,842 Mcf. So
3 this was the observed. The 956 was the estimate by
4 Lummus based on the graph on Figure 28, page 46. On
5 January 6, 2014, the temperature was minus 5 degree
6 Fahrenheit, or with a base of 65 degrees that would
7 be 70 Heating Degree Days. So you can see 70 at the
8 bottom. And what they did was to pick up the number
9 on the line but that number was about 3.3 percent
10 higher than the actual flow on that day.

11 Q. If you could turn to page 48.

12 A. Yes.

13 Q. Table 12. Does this table show the
14 actual flows?

15 A. Yes. This shows the actual flow. So on
16 January 6, 2014, the actual flow was 42,358 and it
17 was the largest of these 10 flows observed in mostly
18 January and February 2014.

19 Q. So in your deposition when you said the
20 actual flow was higher than that, were you mistaken?

21 A. Yes, I was.

22 MR. YSKAMP: May I approach the witness,
23 your Honor?

24 ALJ PARROT: You may.

25 Q. I would like to show you City/County

1 Exhibit 33. Dr. Guldmann, you testified earlier, in
2 relation to your testimony on supporting or replacing
3 aging infrastructure, you relied on a Request for
4 Admission, right?

5 A. Yes.

6 Q. Can you read the Request for Admission in
7 front of you?

8 A. Yes.

9 "Admit that Lines A, EE, and V can be
10 upgraded and/or replaced without the proposed line.

11 "Response: Admitted."

12 Q. Is it possible that this is what you
13 meant to footnote in your report?

14 A. I strongly believe that's what it meant
15 and I think I made a mistake when I --

16 MR. HESLIN: Objection, your Honor.
17 There is nothing on the record to indicate that he
18 has ever seen this document before this morning. Not
19 in his report, not in his deposition, and not in his
20 testimony before this hearing.

21 MR. YSKAMP: That's not exactly true. He
22 said he looked at all the discovery documents in this
23 case. That's one of them.

24 ALJ PARROT: Let's go ahead and ask that
25 question with respect to this specific response.

1 MR. YSKAMP: Sure.

2 Q. (By Mr. Yskamp) Dr. Guldmann, do you
3 recall if you have ever seen that document before?

4 A. Look, I am pretty sure I saw this
5 document because when I wrote the point that I -- I
6 made in the testimony, I did use these terms. And
7 when I was presented by Duke the other RFA which was
8 the 001, there was only the word "maintenance" but I
9 don't believe that I would -- and I was surprised. I
10 thought that, well, I made a mistake because I didn't
11 remember. I received all these NOPE. I remember I
12 received the whole series of NOPE RFA 001, et cetera.
13 So that is most likely what I used when I wrote my
14 statement in the testimony.

15 MR. YSKAMP: Okay. Thank you,
16 Dr. Guldmann. That's all I have for redirect.

17 ALJ PARROT: Mr. Stevenson?

18 MR. STEVENSON: I have no questions.

19 ALJ PARROT: Mr. Fox?

20 MR. FOX: Nothing, your Honor.

21 ALJ PARROT: Mr. Pacheco.

22 MR. PACHECO: No, thank you, your Honor.

23 ALJ PARROT: Mr. Miller.

24 MR. MILLER: No questions, your Honor.

25 ALJ PARROT: Skipping Mr. Keaney, now

1 that I understand this is a witness for one of
2 your -- two of your clients.

3 Mr. Heslin?

4 MR. HESLIN: Just briefly, your Honor.

5 - - -

6 RE CROSS-EXAMINATION

7 By Mr. Heslin:

8 Q. The NOPE exhibit that is your Direct
9 Testimony, that was filed in this case, correct, as
10 your testimony?

11 A. My testimony that I have in front, yeah,
12 that was what was filed.

13 Q. And you recall being deposed on Monday,
14 correct?

15 A. Correct.

16 Q. And we covered a lot of the issues that
17 we discussed today, correct?

18 A. Yes.

19 Q. Okay. Including the issues that were
20 raised on redirect, correct?

21 A. Yes.

22 Q. Specific to page 11 of your testimony
23 where, as of today, you're claiming there are
24 inaccuracies in your testimony, correct?

25 A. Well, there is an inaccuracy in terms of

1 my statement that the actual flow was a given number
2 and it's another number.

3 Q. And your testimony is that you realized
4 that mistake in the last two days, correct?

5 A. Yes.

6 Q. You did not --

7 A. After my deposition.

8 Q. Okay. Do you recall when you first were
9 sworn in, your attorney asked if you had any
10 corrections to make to your testimony? Do you
11 remember that this morning?

12 A. Yes.

13 Q. Okay. And your answer was no. Do you
14 remember that?

15 A. Well, I mentioned the missing line.

16 Q. Oh, my mistake. Besides the missing
17 line, were there any other corrections you made in
18 your testimony?

19 A. Yeah. I didn't remember that one. That
20 point came back now.

21 Q. You remembered in the last two days, but
22 you didn't remember it when you were directly asked
23 by your counsel if you had any corrections to your
24 testimony; is that correct?

25 A. Well, yes, because my understanding of

1 the correction was primarily the missing sentence.

2 Q. And the mistake on page 11 with the
3 reference to the 956,726 Mcf per day as the actual
4 peak-day flow is a mistake in you reporting what is
5 in the Lummus Report, correct?

6 A. Right. This number, as I said, is the
7 smooth estimate of the peak flow.

8 Q. Understood.

9 A. Not the actual one.

10 Q. Understood. That's your mistake.

11 A. Yes.

12 Q. And you didn't realize it when you filed
13 your testimony, during your deposition, and so my
14 question to you is: Isn't it possible that you have
15 other inaccuracies in this report?

16 MR. YSKAMP: Objection, speculation.

17 A. I don't believe so.

18 MR. YSKAMP: Okay. Never mind.

19 ALJ PARROT: Overruled. The answer
20 stands.

21 Q. And then if I refer you to City and
22 County Exhibit 33, the RFA that you reference on
23 redirect.

24 A. Yes.

25 Q. And you characterize that in redirect as

1 a mistake, that when we were covering RFA-001 that
2 that was a mistake?

3 MR. YSKAMP: Objection. I don't think he
4 said it was a mistake. He might have said it may
5 have been, but I don't think he definitively said it
6 was.

7 A. I believe that when I --

8 MR. YSKAMP: Dr. Guldmann, when there is
9 an objection, please don't answer.

10 ALJ PARROT: Hold on a minute.

11 MR. HESLIN: I would refer to, on the
12 record, 568/25 to 569/1.

13 ALJ PARROT: Overruled. Go ahead,
14 Dr. Guldmann.

15 A. When I wrote my statement regarding the
16 maintenance, replacing, upgrade of lines, I truly
17 believed that I -- that I read the NOPE-RFA-01-004.
18 I had them probably all together, and when I was in a
19 hurry of writing out the footnotes, I probably just
20 looked at the first number in that packet of Request
21 for Admission and that was my mistake. Because I
22 don't believe that if I had read purely
23 "maintenance," I would have expanded the way I had,
24 but that's all that I can say.

25 Q. But earlier when we were looking at

1 RFA-01-001, we went back and forth where you were
2 trying to characterize "maintenance" as including
3 replacement and upgrade, correct, Professor Guldmann?

4 A. Yes, because that's -- you are referring
5 to the deposition or today?

6 Q. I am referring to today.

7 A. Yeah.

8 Q. When we had the question and answer about
9 the meaning of "maintenance," and you testified that
10 you believed that "maintenance" included upgrade and
11 replacement. Do you remember that?

12 A. I do. And I still do believe, in
13 general, that the term "maintenance" is a general
14 term that would include replacements and upgrades.

15 MR. HESLIN: Nothing further.

16 ALJ PARROT: Mr. Beeler?

17 MR. BEELER: No questions. Thank you.

18 ALJ PARROT: All right. Mr. Yskamp,
19 would you move for the admission of NOPE Exhibit 19?

20 MR. YSKAMP: Yes, your Honor. We would
21 move for the admission of NOPE Exhibit 19 at this
22 time.

23 ALJ PARROT: Are there any objections?

24 All right. Hearing none, NOPE Exhibit 19
25 is admitted into the record.

1 (EXHIBIT ADMITTED INTO EVIDENCE.)

2 ALJ PARROT: Thank you very much,
3 Dr. Guldmann.

4 EXAMINER SEE: Mr. Keaney, your next
5 witness.

6 MR. KEANEY: Your Honors, the City and
7 County call Mr. Howard Miller to the stand. Your
8 Honor, do you need a copy of Mr. Miller's testimony?

9 (Witness sworn.)

10 ALJ SEE: Thank you.

11 - - -

12 HOWARD MILLER

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

15 DIRECT EXAMINATION

16 By Mr. Keaney:

17 Q. Can you please state your name and
18 business address for the record.

19 A. My name is Howard Miller. My business
20 address is City Hall, 801 Plum Street, Suite 130,
21 Cincinnati, Ohio 45202.

22 MR. KEANEY: And, your Honor, I would ask
23 Mr. Howard's testimony be marked as City/County
24 Exhibit No. 43.

25 ALJ SEE: So marked.

1 (EXHIBIT MARKED FOR IDENTIFICATION.)

2 Q. (By Mr. Keaney) Mr. Miller, do you have
3 before you what has been marked for identification as
4 City/County Exhibit 43?

5 A. Yes.

6 Q. And can you identify City/County
7 Exhibit 43?

8 A. Yes.

9 Q. Can you tell me what it is?

10 A. Yes. It's my testimony.

11 Q. And it would be the prefiled testimony
12 that you filed in connection with this case?

13 A. Yes.

14 Q. Okay. Do you have any additions or
15 corrections to make to your testimony?

16 A. I don't believe so.

17 Q. If I asked the questions that appear in
18 City/County Exhibit 43, would your answers be the
19 same?

20 A. Yes.

21 MR. KEANEY: The City/County move for the
22 admission of City/County Exhibit 43, subject to
23 cross-examination.

24 ALJ SEE: Mr. Yskamp?

25 MR. YSKAMP: No questions, your Honor.

1 ALJ SEE: Mr. Stevenson?

2 MR. STEVENSON: Thank you, your Honor.

3 - - -

4 CROSS-EXAMINATION

5 By Mr. Stevenson:

6 Q. Mr. Miller, would you turn to your page 4
7 of your testimony, please.

8 A. Yes, I'm there.

9 Q. Do you have it?

10 A. Yes.

11 Q. On line 7, the question was asked "What
12 are the Staff Conditions"?

13 A. Yes.

14 Q. And you indicated Staff indicated a total
15 of 38 conditions?

16 A. Yes.

17 Q. Is the intent of your testimony with
18 respect to these conditions to express a preference
19 whether the Preferred Route or the Alternate Route
20 should be chosen in this matter?

21 A. If I understand your question correctly,
22 no.

23 Q. All right. And it relates to the other
24 matters that are contained in all of the conditions?

25 A. My testimony is specific to the Staff

1 Conditions.

2 Q. I'll ask the question again. Is your
3 testimony related to a preference as to the Alternate
4 or the Preferred Route?

5 A. No.

6 MR. STEVENSON: All right. With that
7 understanding, I don't have any further questions.

8 ALJ SEE: Mr. Fox.

9 MR. FOX: No questions, your Honor.

10 ALJ SEE: Mr. Pacheco.

11 MR. PACHECO: No, your Honor. Thank you.

12 ALJ SEE: Mr. Miller.

13 MR. MILLER: Nothing, your Honor.

14 ALJ SEE: Mr. D'Ascenzo.

15 MR. D'ASCENZO: Yes, your Honor. Thank
16 you.

17 - - -

18 CROSS-EXAMINATION

19 By Mr. D'Ascenzo:

20 Q. Good morning, Mr. Miller.

21 A. Hi.

22 Q. My name is Rocco D'Ascenzo. I am counsel
23 for Duke Energy Ohio. We haven't met before. Thank
24 you for appearing today. Just a few questions for
25 you. You are testifying on behalf of both the City

1 of Cincinnati and Hamilton County Board of
2 Commissioners, correct?

3 A. Yes.

4 Q. Okay. But you are employed by the City
5 of Cincinnati.

6 A. Yes.

7 Q. And you are employed as an Environmental
8 Safety Specialist; is that correct?

9 A. That's my formal title.

10 Q. Thank you.

11 Is it fair to say the purpose of your
12 testimony is to describe the Company's Application
13 and to support the Ohio Power Siting Board's
14 conditions in the Amended Staff Report?

15 A. Can you please rephrase that? Maybe
16 break it into more than one question.

17 Q. Absolutely, sure.

18 So is it fair to say that the purpose of
19 your testimony is basically in two parts? One, you
20 describe the Company's Application; is that correct?

21 A. My testimony was to focus -- the task was
22 to focus on the Staff recommendations as outlined in
23 their Amended Staff Report.

24 Q. Okay. Thank you.

25 And in your testimony, you make five

1 additional recommendations, correct?

2 A. Yes.

3 Q. And that's -- those five recommendations
4 are the only recommendations you are making, correct?

5 A. Under this testimony, yes.

6 Q. And so the purpose of your testimony,
7 just to be clear, is not to contest the need for this
8 project, correct?

9 MR. KEANEY: Objection. Misstates his
10 testimony. This question has been asked and answered
11 twice.

12 MR. D'ASCENZO: I haven't asked that
13 question, your Honor.

14 MR. KEANEY: He's asked the purpose of
15 his testimony, at least two times before that.

16 ALJ SEE: The objection is overruled.

17 A. Can you please restate the question? I
18 forgot it.

19 Q. Sure.

20 The purpose of your testimony is not to
21 contest the need for this project, correct?

22 A. It is not to contest, correct.

23 Q. Thank you.

24 And you are not an attorney, correct?

25 A. That's correct.

1 Q. Would you agree Duke Energy Ohio is
2 currently providing natural gas service through the
3 City of Cincinnati?

4 A. Yes.

5 Q. And would you also agree that Duke Energy
6 Ohio is currently providing natural gas service
7 through Hamilton County?

8 A. Yes.

9 Q. Do you know how many miles of pipes Duke
10 Energy Ohio has within the City of Cincinnati?

11 MR. KEANEY: Objection. This is well
12 outside the scope of his testimony. Mr. Miller has
13 clarified, on more than one occasion, that his
14 testimony and the purpose is solely confined to the
15 Staff Conditions. He is not here on behalf of the
16 City or County to discuss these issues that
17 Mr. D'Ascenzo is raising.

18 ALJ SEE: Any response, Mr. D'Ascenzo?

19 MR. D'ASCENZO: I will withdraw the
20 question, your Honor.

21 Q. (By Mr. D'Ascenzo) Let's talk
22 specifically about your recommendations.

23 A. Okay.

24 Q. And, again, there are five of them, so
25 let's look at I believe they start on page 4 of your

1 testimony. Do you have your testimony in front of
2 you?

3 A. Yes, and I am on page 4.

4 Q. Thank you. And we'll just talk about
5 them in order.

6 So the first recommendation is that the
7 Staff Conditions include additional language that
8 holds Duke Energy accountable for more conservative
9 safety and property owner-friendly construction,
10 operations, and maintenance specifications. Is that
11 an accurate summary of your first recommendation?

12 A. That's it verbatim.

13 Q. Thank you.

14 And let's talk about your second one real
15 quick, and that is that -- that the Staff Conditions
16 be more inclusive with the City, County, and other
17 affected jurisdictions and associated local agencies
18 in terms of project implementation, notifications,
19 and other communications; is that a fair summary?

20 MR. KEANEY: Can I just ask, where you
21 are referencing in his testimony?

22 MR. D'ASCENZO: Sure. Page 5, lines 7
23 through 9.

24 MR. KEANEY: Thank you.

25 A. Again, that's my second point verbatim.

1 Q. Thank you.

2 And the third recommendation is that the
3 Staff Condition -- and I am looking for a reference.
4 Page 5, lines 15 through 17, is specific to Staff
5 Condition No. 10, to specify a more deliberate plan
6 for Duke Energy to decommission its propane peaking
7 facilities, and include increased City and County and
8 resident transparency in the planning and
9 implementation; is that correct?

10 A. Yes, verbatim.

11 Q. And number -- your fourth recommendation
12 is that the "Staff Conditions specify a deliberate
13 plan of action for Duke Energy to inspect, service,
14 and replace, as needed, the Line A upgrades and
15 include increased City, County, and resident
16 transparency in the planning and implementation." Is
17 that accurate?

18 A. Yes.

19 Q. And the final recommendation is that the
20 "Commission direct Duke Energy to confer and
21 collaborate early and often with local governments as
22 part of its planning process for those additional
23 upgrades and enhancements"; is that accurate?

24 A. Yes.

25 Q. Okay. Now, let's talk specifically about

1 your first recommendation regarding safety. You
2 suggest that Class 4 construction should be required
3 for the entirety of the pipeline; is that correct?

4 A. Two parts. First, the Class 4 -- I will
5 be brief. Yes.

6 Q. And you would agree with me that Duke
7 Energy Ohio is already designing the entire pipeline
8 to meet Class 4 construction standards, correct?

9 A. Yes.

10 Q. And on line 5, let's talk about that
11 second part that you briefly mentioned.

12 A. What page?

13 Q. Page 5, line 4, still talking about your
14 first recommendation.

15 A. I'm there.

16 Q. Okay. You state that the Application
17 calls for residential daily work times of 8:00 a.m.
18 to 4:00 p.m. and that should be the work times
19 specified as a condition, correct?

20 A. Yes.

21 Q. Now, you reference, specifically in a
22 footnote, the Company's Amended Application on
23 page 7-6; is that correct?

24 A. Are you talking about Footnote No. 2 at
25 the bottom of my page 5?

1 Q. I am.

2 A. Then, yes, that's correct.

3 Q. And as that -- those work hours are
4 stated on Amended Application page 7-6, is that
5 exactly what you were referring to?

6 A. I believe so.

7 Q. And would you agree with me that -- that
8 section of the Amended Application on page 7-6,
9 states, in residential and institutional areas,
10 activities will generally be restricted to daylight
11 -- daytime construction, roughly between the hours of
12 8:00 a.m. and 4:00 p.m., Monday through Friday. Any
13 weekend work will be planned to avoid interfering
14 with the hours of any nearby houses of worship.

15 MR. KEANEY: Your Honor, if I can object.
16 If he is referencing a document, it's only
17 appropriate for the witness to have that document in
18 his hands. There is no way for him to confirm what
19 Mr. D'Ascenzo is saying without that document.

20 MR. D'ASCENZO: Sure. I believe our
21 Amended Application is still in front up there. Do
22 we know what number that is? I think it was 4. Just
23 a moment.

24 Your Honor, may I approach, please?

25 ALJ SEE: Yes.

1 MR. KEANEY: May I approach as well to
2 read what he is reading? Unless you have another
3 copy.

4 MR. D'ASCENZO: If we have another copy.
5 We do.

6 ALJ SEE: And what is the date of the
7 Amended Application you are providing?

8 MS. KINGERY: This is the March 2017
9 version, your Honor.

10 MR. D'ASCENZO: Previously admitted as
11 Duke Energy Ohio Exhibit No. 5.

12 A. What you just read was page 7-6,
13 Section (b), the third bullet, and that's correct.

14 Q. And is that what you are referring to?

15 A. Yes.

16 Q. Would you generally describe that the
17 more daylight hours that the Company has to work
18 during the day, the fewer days that would be required
19 for the Company to work in a particular area?

20 MR. KEANEY: Your Honor, I am going to
21 object to the extent it calls for him to speculate
22 about Duke's planners and system operators and how
23 much time they need to perform an upgrade. There
24 could be a lot of different factors involved in that
25 question and, again, Mr. Miller is here solely to

1 testify on behalf of the City and County with respect
2 to the Staff Conditions, not what Duke's system
3 planners or any of their upgrading and maintenance
4 workers can do during a particular day.

5 ALJ SEE: Mr. D'Ascenzo, any response?

6 MR. D'ASCENZO: I am just asking a
7 general question, if he believes that if there are
8 more daylight working hours available to the Company,
9 that it would take -- that we can work fewer total
10 days.

11 ALJ SEE: The objection is overruled.

12 You can answer the question, Mr. Miller.

13 A. There are a lot of variables that go into
14 construction work besides daylight hours. I assume
15 you could be working during the winter, when daylight
16 hours are decreased significantly. It's probably not
17 going to be a summer job. It's a highly speculative
18 question. Again, I don't even know the construction
19 contractor you've hired, how many crews they will be
20 having on-site, what the skill level of the crews
21 are, what sorts of obstacles they may face. I don't
22 have a definitive answer for you.

23 Q. Fair enough.

24 Would you agree that it's reasonable for
25 municipalities to have flexibility to allow different

1 working hours if the municipalities determines it
2 results in less disruption within their -- within
3 their borders?

4 MR. KEANEY: I'm sorry, can I have that
5 question reread again? I'm sorry.

6 (Record read.)

7 MR. KEANEY: Again, I am just going to
8 object to the extent it requires him to speculate
9 about a hypothetical.

10 ALJ SEE: The objection is overruled.

11 You can answer the question, Mr. Miller.

12 A. To the extent I am not authorized to
13 speak for any other jurisdiction, my answer would be
14 it is reasonable, with the qualification that
15 disruption would also mean that it is safer.

16 Q. Let's talk about your second
17 recommendation. Referring specifically to page 5,
18 lines 7 through 14 of your testimony. Are you there?

19 A. Yes. Sorry.

20 Q. Thank you.

21 On page -- or, I'm sorry, on line 11 you
22 suggest that Duke Energy be required -- well, let me
23 withdraw that. Let me restate that.

24 In those -- in lines 7 through 14, you
25 describe Staff Conditions about providing Staff with

1 plans and drawings prior to a pre-construction
2 conference; is that correct?

3 A. Yes.

4 Q. And you also describe that Duke should
5 provide Staff with plans and permits prior to
6 construction. Those are other conditions of the
7 Amended Staff Report, correct?

8 A. Yes.

9 Q. And you suggest that Duke should also be
10 required to provide that same information to the
11 County, the City, and other communities that request
12 it, correct?

13 A. Yes.

14 Q. Now, do you know whether -- let me
15 withdraw that and rephrase it.

16 Assuming this project is approved and
17 construction needs to occur within the City of
18 Cincinnati, Duke Energy Ohio would have to get
19 construction permits from the City, correct?

20 A. To the best of my knowledge, yes.

21 Q. And do you know if the same would be true
22 for other municipalities?

23 A. I cannot answer for them.

24 Q. Fair enough.

25 And on line 14 of your testimony, you

1 suggest that the County and City representatives
2 should attend pre-construction meetings; is that
3 correct?

4 A. Partially. It should be -- should be
5 allowed to attend, should be given the opportunity is
6 what I am trying to say there.

7 Q. So given the opportunity to attend
8 pre-construction meetings.

9 A. Yes.

10 Q. Thank you for that clarification.

11 Now, as part of this case, you note in
12 your testimony that the City and the County are
13 opposing this project, correct?

14 A. Yes.

15 Q. Now, if the project is ultimately
16 certificated by the Ohio Power Siting Board, do you
17 know whether the City and Hamilton County are willing
18 to work with Duke Energy Ohio in those
19 pre-construction meetings to ensure the project is
20 built in accordance with the certificate?

21 MR. KEANEY: Objection, your Honor. He
22 is testifying here as, as is his title, an
23 Environmental Safety Specialist. He is not in any
24 department in which would make those kinds of
25 decisions and so that is not an appropriate question

1 for this witness.

2 MR. D'ASCENZO: Your Honor, he is making
3 that recommendation. I am just exploring his
4 recommendation.

5 ALJ SEE: And the objection is overruled.
6 If the witness can answer the question to the best of
7 his ability.

8 THE WITNESS: Can you restate the
9 question just so it's fresh in my mind?

10 MR. D'ASCENZO: Could you please reread
11 the question. Thank you.

12 (Record read.)

13 A. To the best of my knowledge, I would say,
14 yes, but I need to qualify that. At a high level,
15 City decisions may have to be passed by resolution
16 through City Council. I believe at an administrative
17 level, the answer would be yes. But I cannot speak
18 for City Council.

19 Q. And what about Hamilton County, are you
20 able to speak for them?

21 A. I cannot speak for the County
22 Commissioners.

23 Q. And because you do not represent any
24 other municipality in this proceeding, is it fair to
25 say you can't speak for them either?

1 A. Correct.

2 MR. D'ASCENZO: No further questions,
3 your Honor.

4 ALJ SEE: Mr. Beeler.

5 MR. BEELER: No questions, your Honor.
6 Thank you.

7 ALJ SEE: Any redirect, Mr. Keaney?

8 MR. KEANEY: Yeah, but very briefly.

9 ALJ SEE: Are you ready to proceed now?

10 MR. KEANEY: If we could have 5 minutes
11 that would be great.

12 ALJ SEE: You've got 5 minutes. We are
13 off the record.

14 (Discussion off the record.)

15 ALJ SEE: Let's go back on the record.

16 Mr. Keaney? Redirect?

17 MR. KEANEY: Just one question, your
18 Honor.

19 - - -

20 REDIRECT EXAMINATION

21 By Mr. Keaney:

22 Q. Mr. Miller, if you can turn to page 2 of
23 your testimony, and I am going to be looking at
24 line 14 beginning with the word "While." Please let
25 me know when you are there.

1 A. I'm there.

2 Q. Your testimony reads "While the City and
3 County generally are opposed to the project, my
4 testimony supports Staff's conditions set forth in
5 the Amended Staff Report of Investigation filed on
6 March 5, 2019, and recommends strengthening the
7 Project with additional conditions." Did I read that
8 correctly?

9 A. Yes.

10 Q. And that would be your testimony today as
11 well?

12 A. Yes.

13 MR. KEANEY: No more questions, your
14 Honor.

15 ALJ SEE: Any redirect? I'm sorry.
16 Recross on redirect, Mr. Yskamp?

17 MR. YSKAMP: No, your Honor.

18 ALJ SEE: Mr. Stevenson.

19 MR. STEVENSON: No, your Honor.

20 ALJ SEE: Mr. Fox.

21 MR. FOX: No, your Honor.

22 ALJ SEE: Mr. Pacheco.

23 MR. PACHECO: No, thank you, your Honor.

24 ALJ SEE: Mr. Miller.

25 MR. MILLER: No, your Honor.

1 ALJ SEE: Ms. Hernstein.

2 MS. HERNSTEIN: No, your Honor.

3 ALJ SEE: Mr. D'Ascenzo.

4 MR. D'ASCENZO: No, your Honor.

5 ALJ SEE: Mr. Beeler.

6 MR. BEELEER: No questions. Thank you.

7 ALJ SEE: Mr. Keaney, you already moved
8 for the admission of City/County Exhibit 43?

9 MR. KEANEY: Yes, your Honor.

10 ALJ SEE: Are there any objections to the
11 admission of City/County Exhibit 43?

12 Hearing none, City/County Exhibit 43 is
13 admitted into the record

14 (EXHIBIT ADMITTED INTO EVIDENCE.)

15 ALJ SEE: Thank you, Mr. Miller.

16 ALJ PARROT: All right. I think at this
17 point, let's go ahead, there are other intervenor
18 witnesses who, it is my understanding, parties have
19 amongst themselves agreed maybe to stipulate to
20 admission of that testimony, so let's go ahead and
21 mark and deal with the admission of that at this
22 time.

23 Mr. Stevenson, do you want to start?

24 MR. STEVENSON: Sure. Your Honor, I
25 would ask that Patrick Ross's testimony be marked

1 Reading Exhibit No. 2 and all exhibits would be
2 included in that as well.

3 ALJ PARROT: So marked.

4 (EXHIBIT MARKED FOR IDENTIFICATION.)

5 MR. STEVENSON: On Tuesday, I discussed,
6 with counsel, plans that related to Mr. Ross's
7 testimony. I would ask for a stipulation as to those
8 as well.

9 MR. HESLIN: So stipulated and no
10 objection.

11 ALJ PARROT: So that's a separate
12 exhibit, then, that you would like to mark?

13 MR. STEVENSON: It would be. It would be
14 Reading Exhibit No. 3.

15 ALJ PARROT: Okay. Let's go ahead and
16 mark that as well.

17 (EXHIBIT MARKED FOR IDENTIFICATION.)

18 MR. STEVENSON: Reading Exhibit 4 --

19 ALJ PARROT: Hold on just a moment. You
20 said Exhibit 3 is --

21 MR. STEVENSON: Exhibit 3 is a more
22 detailed plan that relates to a sewer project that's
23 going in on West Street in the City of Reading that
24 deals with the CSO 513 project and it was referred to
25 in Mr. Ross's testimony and we did not get these

1 exhibits until well after -- actually, we got them
2 Monday, right before I left.

3 ALJ SEE: Mr. Stevenson, before you --
4 let's go back to Reading Exhibit 2 which is the
5 testimony of Patrick George Ross.

6 MR. STEVENSON: Yes.

7 ALJ SEE: I note in the record that it --
8 the testimony was originally filed by the appropriate
9 due date, and then it hit the Commission's docket --
10 I'm sorry, the Board's docket yesterday. You need to
11 clarify.

12 MR. STEVENSON: I will be happy to
13 clarify that. I received notice from the -- your
14 Honors that part of the testimony that was originally
15 filed on Monday, April 1, I believe, somehow did not
16 make the docket, and the entirety of Mr. Ross's
17 testimony, together with the exhibits, were scanned
18 in by Board Staff yesterday.

19 ALJ PARROT: And so, that's what you are
20 marking as Reading Exhibit 2 --

21 MR. STEVENSON: Exactly.

22 ALJ PARROT: -- is the testimony along
23 with all of the exhibits --

24 MR. STEVENSON: Correct.

25 ALJ PARROT: -- you intended to attach.

1 Thank you.

2 MR. STEVENSON: I have one more document
3 that has been referred to in testimony, and I talked
4 to Duke Energy. It relates to the Constructability
5 Review that was done on the western route that has
6 been referred to by several witnesses. I would ask
7 that be marked Exhibit No. 4. And specifically it is
8 a document that was obtained through City/County
9 production of documents 01-005. It was a
10 confidential attachment. I've included pages 34 of
11 87 and 49 of 87 with respect to that. 34 is simply a
12 title page. 49 is the description of what's going on
13 in downtown Reading with respect to the Alternate
14 Route.

15 ALJ PARROT: Do you have copies so we
16 can --

17 MR. STEVENSON: I certainly do.

18 ALJ PARROT: -- kind of follow along?
19 And I am not sure that we are.

20 ALJ SEE: Do you also have a copy of what
21 you wanted marked as Reading Exhibit 3?

22 MR. STEVENSON: I'm sorry, what?

23 ALJ SEE: Reading Exhibit 3.

24 MR. STEVENSON: Oh, I'm sorry.

25 ALJ PARROT: Okay. Reading Exhibits 3

1 and 4 have been marked as well.

2 (EXHIBIT MARKED FOR IDENTIFICATION.)

3 ALJ PARROT: Just so it's clear for the
4 record, Reading Exhibit 4 is marked as a confidential
5 discovery response. Is that still the case?

6 MR. HESLIN: Your Honor, we are willing
7 to release this page -- these two pages that have
8 been marked as Exhibit 4.

9 MR. STEVENSON: Thank you.

10 ALJ PARROT: Reading Exhibit 4 is a
11 public document then.

12 MR. HESLIN: Thank you, your Honor.

13 ALJ PARROT: Any other exhibits from the
14 City of Reading?

15 MR. STEVENSON: No, your Honor.

16 ALJ PARROT: With that, are there any
17 objections to the admission of Reading Exhibits 2, 3,
18 or 4?

19 All right. Hearing none, those exhibits
20 are admitted into the record.

21 (EXHIBITS ADMITTED INTO EVIDENCE.)

22 ALJ PARROT: Mr. Miller, are you ready?

23 MR. MILLER: Yes, your Honor. I would
24 move that a Sycamore Township exhibit be marked as
25 No. 1 and move it into evidence. It is the Prefiled

1 Direct Testimony of Greg Bickford on behalf of
2 Sycamore Township, Hamilton County, Ohio. May I
3 approach?

4 ALJ PARROT: You may. All right.
5 Mr. Bickford's testimony has been marked Sycamore
6 Township Exhibit 1.

7 (EXHIBIT MARKED FOR IDENTIFICATION.)

8 ALJ PARROT: Are there any objections to
9 its admission?

10 All right. Hearing none, Sycamore
11 Township Exhibit 1 is also admitted into the record.

12 (EXHIBIT ADMITTED INTO EVIDENCE.)

13 ALJ PARROT: Mr. Pacheco.

14 MR. PACHECO: Your Honor, thank you. On
15 behalf of Blue Ash/Columbia Township, we would like
16 to submit the Prefiled Direct Testimony of Gordon
17 Matthew Perry on behalf of the City of Blue Ash as
18 Blue Ash and Columbia Township Exhibit 6.

19 ALJ PARROT: So marked.

20 (EXHIBIT MARKED FOR IDENTIFICATION.)

21 MR. PACHECO: And when the court is
22 ready, I will approach and provide.

23 ALJ PARROT: Go ahead.

24 MR. PACHECO: Thank you.

25 ALJ PARROT: Okay. Are there any

1 objections to the Blue Ash/Columbia Township
2 Exhibit 6?

3 Hearing none, it is admitted into the
4 record at this time.

5 (EXHIBIT ADMITTED INTO EVIDENCE.)

6 MR. PACHECO: Thank you, your Honor.

7 ALJ PARROT: Ms. Hernstein.

8 MS. HERNSTEIN: Yes, your Honor. I move
9 to admit the Direct Testimony of Sam Cordray on
10 behalf of The Jewish Hospital - Mercy Health, marked
11 as Jewish Hospital Exhibit 1.

12 ALJ PARROT: So marked.

13 (EXHIBIT MARKED FOR IDENTIFICATION.)

14 MS. HERNSTEIN: And permission to
15 approach, your Honor?

16 ALJ PARROT: You may.

17 Are there any objections to the admission
18 of Jewish Hospital Exhibit 1?

19 Hearing none, it is admitted.

20 (EXHIBIT ADMITTED INTO EVIDENCE.)

21 ALJ PARROT: Any counsel present that are
22 authorized to act on behalf of the Village of
23 Evendale in this proceeding?

24 (No response.)

25 ALJ PARROT: Okay.

1 ALJ SEE: Mr. Beeler, your next witness.

2 MR. BEELEER: Thank you, your Honor.

3 Staff would call Andrew Conway.

4 May I approach, if I have a witness?

5 There he is.

6 ALJ SEE: Step forward, Mr. Conway.

7 (Witness sworn.)

8 ALJ SEE: Thank you. Have a seat.

9 MR. BEELEER: May I approach, your Honor?

10 ALJ SEE: Yes.

11 (EXHIBIT MARKED FOR IDENTIFICATION.)

12 ALJ SEE: The witness has been sworn. Go
13 ahead, Mr. Beeler.

14 - - -

15 ANDREW CONWAY

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

18 DIRECT EXAMINATION

19 By Mr. Beeler:

20 Q. Please state your full name for the
21 record.

22 A. Andrew Conway.

23 Q. Who do you work for and what is your
24 position?

25 A. I work for the Public Utilities

1 Commission of Ohio, and I am an engineering
2 specialist in the Siting and Efficiency and
3 Renewables Division.

4 Q. Do you have -- do you have in front of
5 you what has been marked as Staff Exhibit 9?

6 A. Yes.

7 Q. What is it?

8 A. It's my prefiled testimony.

9 Q. Was it prepared by you or under your
10 direction?

11 A. Yes, it was.

12 Q. Do you have any changes to that
13 testimony?

14 A. Yes. To question No. 10 on page 3,
15 line 14, after the word "impacted," I would delete
16 the word "the." It was a typo.

17 Q. Okay. Is that all your changes?

18 A. Yes.

19 Q. With that change, is this document true
20 and accurate to the best of your knowledge?

21 A. Yes, it is.

22 Q. If I asked you these same questions
23 today, would your answers be the same?

24 A. Yes.

25 MR. BEELER: Your Honors, at this time, I

1 would move for the admission of Staff Exhibit 9,
2 subject to cross-examination.

3 ALJ SEE: Mr. Heslin?

4 MR. HESLIN: No cross, your Honor. Thank
5 you.

6 ALJ SEE: Mr. Keaney?

7 MR. KEANEY: Your Honor, the City and
8 County does have cross for this witness, but we've
9 agreed to let NOPE begin.

10 ALJ SEE: Mr. Yskamp?

11 MR. YSKAMP: Thank you, your Honor.

12 - - -

13 CROSS-EXAMINATION

14 By Mr. Yskamp:

15 Q. Good afternoon, Mr. Conway.

16 A. Hi.

17 Q. Can you hear me okay?

18 A. Yes, I can.

19 Q. All right. So you prepared the portion
20 of the Application on need; is that correct?

21 A. Yes, that's correct.

22 Q. Could you turn to page 4 of your
23 testimony.

24 MR. BEELER: Object, just to the
25 clarification I think you said "Application." I

1 think you meant "Staff Report."

2 MR. YSKAMP: Oh, yes. You are correct.

3 Q. So you did not prepare the Application,
4 right?

5 A. No, I didn't prepare the Application. I
6 prepared the Staff Report.

7 Q. Yeah.

8 MR. YSKAMP: Thank you for that
9 correction.

10 Q. Could you please turn to page 4 of your
11 testimony.

12 A. Yes.

13 Q. So on line 1 and under your section on
14 "BALANCING the system from north to south," starting
15 at line 1 on page 4, you state "A loss of supply from
16 the Foster Station on high demand day would result in
17 widespread service outages." Did I read that
18 correctly?

19 A. Yes, you did read it.

20 Q. Staff recommended the alternative --
21 Alternate Route, correct?

22 A. Yes, we did.

23 Q. And that route would change the balance
24 of Foster from 55 to 50 percent; is that true?

25 A. I believe that is correct.

1 Q. So loss of supply from Foster on a high
2 demand day, even with the proposed pipeline in
3 operation, would still result in widespread outages,
4 correct?

5 A. Yes. The Foster Station is a critical
6 station. And, yes, it would -- there would be
7 widespread outages.

8 Q. Have you -- have you read the public
9 comments in this case?

10 A. Several of them, yes.

11 Q. Several of them?

12 A. I mean, yes, I have. Not all of the
13 public comments.

14 Q. Did you attend the public hearings?

15 A. No, I did not.

16 Q. Are you aware of the impact that just the
17 proposal of this pipeline is already having on the
18 communities around the pipeline?

19 A. Could you clarify what you mean by
20 "impact"?

21 Q. So is it your understanding that people
22 who testified at the public hearing are distressed at
23 the thought of having this pipeline in their
24 community?

25 A. There is a -- I think that's kind of

1 outside the scope of my testimony. I think that is
2 suited for our Staff member that wrote the public
3 interaction section.

4 Q. So can you answer the question?

5 A. Could you repeat the question, please?

6 Q. Is it your understanding that people who
7 testified at the public hearing are distressed at the
8 thought of having this pipeline run through their
9 community?

10 MR. BEELER: I guess I would object here.
11 The witness stated that, you know, he -- there is
12 another Staff witness that can speak directly to this
13 point.

14 MR. YSKAMP: I would really like to know
15 his understanding. He says this project is needed.
16 And I am going -- my next question will explore the
17 follow-up to that question.

18 ALJ SEE: And the objection is overruled.
19 The witness can answer the question.

20 A. Yes, I understand there is negative --
21 there's concerns about the pipeline. And I think
22 those are kind of the public sentiment that was
23 addressed in the Staff Report, and I think that's
24 better suited for the Staff Report -- Staff member
25 that wrote the public interaction section.

1 Q. Well, do you feel that a 5-percent change
2 in balance, justifies this pipeline in the face of
3 those public concerns?

4 A. The pipeline has a better balance -- or
5 improves the balance of supply. And that is
6 beneficial to the Duke system. And there are other
7 benefits of the pipeline as well, such as allowing
8 the propane peakers to be replaced, retired, and
9 allowing for the Central Corridor to upgrade and
10 repair and make improvements within them. So, in
11 total, there are -- it's -- the pipeline is needed.

12 Q. If balance was the only need stated by
13 Duke, would you feel this pipeline would meet Duke's
14 balancing needs?

15 MR. BEELEER: Objection. Calls for
16 speculation.

17 ALJ SEE: Sustained.

18 Q. (By Mr. Yskamp) Okay. I would like to
19 talk about the need to retire the propane-air plants.
20 So could you please turn to page 26 of the Staff
21 Report. So the second full paragraph states "These
22 system conditions." Do you follow me?

23 A. Yes, I see the second paragraph.

24 Q. And did you write this section of the
25 report or contribute to it?

1 A. Yes, I did.

2 Q. So I want to ask you about the second
3 sentence that states -- in that paragraph that states
4 "Specifically, in Case No. 15-218-GA-GCR, the
5 Commission ordered a management/performance audit be
6 performed on the Applicant's gas procurement
7 practices and policies for the audit period of
8 September 2012 through August 2015. In the
9 management and performance audit report, the auditor
10 observed that the Applicant's Dicks Creek Plant
11 propane facility is no longer operational and that
12 the potential exists for the Applicant's Eastern
13 Avenue and Erlanger Plant propane facilities to also
14 become unavailable." Did I read that correctly?

15 A. Yes, you did.

16 Q. Is your -- is your basis for your opinion
17 that the propane-air plants need to be retired based
18 on the follow-up to that auditor's recommendation?

19 A. No. It's more than that.

20 Q. How -- how do you define the word "need"?

21 A. Our Revised Code and our Administrative
22 Code has definitions of "need" and a framework for
23 all of the requirements that an applicant needs --
24 would -- would supply to us in an application so that
25 we can do a thorough analysis; so those are outlined

1 in that section of the Staff Report.

2 Q. So Duke -- Duke -- the two propane-air
3 plants that Duke Energy currently operates, would you
4 agree with me that they have provided safe and
5 reliable natural gas through today?

6 A. Yes, they've -- they've -- they've
7 worked -- the -- Duke has utilized them for over the
8 past few years, from 9 to 13 days, but there are
9 threats to those, risks to those facilities, and they
10 are aged, and they are at the end of their useful
11 life, so they -- they have provided useful service to
12 date, but the -- also there has been increased
13 capital costs and maintenance that has been performed
14 to keep them operational.

15 Q. So because Duke needs to put costs into
16 them and maintain them, do you feel like they need to
17 retire them?

18 A. That's not the only reason I recommend
19 them retired.

20 Q. What else? What other reason?

21 A. The propane peakers are -- supply a
22 large -- supply 5 to 10 percent of the load during
23 the critical high demand days, so they are critical
24 pieces of equipment that are used by Duke.

25 I inspected the Duke East Gas Works site

1 and saw several risks to the -- that facility.
2 Namely, they have specialized -- I saw that it was
3 outdated. A lot of the equipment was outdated. And
4 during the course of my investigation, I found out
5 they needed specialized equipment or replacement
6 parts that was not readily available, so they had no
7 backup for these.

8 Another risk that I observed was that
9 they needed to be placed in service quickly. So if
10 there was a problem with the facility, the Duke
11 operators have a short time frame, approximately
12 30 minutes, to identify the problem and repair it, or
13 else the system would be that -- that facility would
14 be out of place and Duke would be 5 percent short or
15 10 percent short meeting its demand.

16 There have been leaks from the storage
17 cavern piping that have been repaired over the years.
18 And the storage caverns culminate in a vertical pipe
19 that has a cap and that cap has multiple welds which
20 feed different pipes, and so if any of those -- if
21 there was a -- if that cap or those welds failed, the
22 cavern would be lost and then the propane facility
23 would be lost.

24 Q. Has that -- I'm sorry.

25 A. I am still answering.

1 MR. BEELER: Object. He is still
2 answering.

3 A. Those were some of the risks that I saw.

4 There was also an old transformer on site
5 which has PCBs which are hazardous materials, so it's
6 a very old transformer. If that transformer is lost,
7 the facility loses capability. If that -- if that
8 hazardous -- if that PCB leaks, then you have an
9 environmental contamination problem.

10 Those are some of the risks that I
11 observed personally at that East Works facility which
12 led me to believe it was -- confirmed what Duke had
13 said that it is at its end of its useful life.

14 The Commission report from that M and P
15 Report said that that had also led -- that the
16 Commission ordered that it would need a -- has
17 already addressed this issue or considered this issue
18 that the pre -- that there needs to be some sort of
19 backup or replacement for these. So that was kind of
20 all the -- some of the reasons that I -- that I
21 believe the propane peakers need to be retired.

22 Q. Okay. So I heard you say a lot of -- a
23 lot of risks as you described them. So this cap that
24 you described, is it leaking?

25 A. I didn't observe a leak.

1 Q. Are the caverns leaking?

2 A. They have leaked in the past.

3 Q. Are they leaking?

4 A. No.

5 Q. And wasn't it a pipe that leaked?

6 A. Yes, I believe it was a pipe.

7 Q. And you say that there's a lot of
8 specialized equipment. I would like to direct your
9 attention to what has been admitted as NOPE
10 Exhibit 19. I don't think you have it up there. And
11 if you could turn, if you could find attachment, it's
12 Exhibit JMG-7 to this report. It's kind of in the
13 middle.

14 MR. BEELER: The Lummus Report, right?

15 Q. It's titled "Gas System Master Plan."
16 Let me know when you find it, please?

17 A. I've found it.

18 Q. Have you seen this document before?

19 A. Yes.

20 Q. Just give me one moment unless you can
21 tell me where it discusses the propane-air plants off
22 the top of your head. So if you could turn to page
23 it looks like 74. Now 6.1.3, at the bottom,
24 describes the number of U.S. propane-air facilities.
25 Do you see that?

1 A. Yes, I do.

2 Q. And if you could turn the page, it looks
3 like there's a total of 56 propane-air facilities?
4 According to the bottom of the chart?

5 A. Yes. This document says total 56.

6 Q. Is it your opinion that none of these
7 propane-air facilities can get new critical parts?

8 A. I don't know about all of these other
9 facilities, but I spoke with -- another Staff member
10 of our -- at our Agency or Commission and he says
11 that the industry trend is for these to be retired,
12 and he indicated that the Vectren facilities retired
13 in 2011 and 2012, and so the industry trend is to
14 retire these, and these are an older technology.

15 Q. The trend is not the same as need, is it?

16 A. I am not sure what you're -- I am not
17 understanding the question.

18 Q. Just because an industry trend is
19 happening, doesn't mean that a certain company needs
20 to follow that trend.

21 A. As I stated earlier, I looked at the
22 facility and -- and I mentioned some of the risks to
23 the facility. And that M and P Report and I believe
24 this Gas Master Plan also recommended these be
25 retired. So it -- the trend is -- kind of fits with

1 the proposal before us.

2 ALJ SEE: Could you both --

3 Q. Didn't the Gas Master Plan recommend
4 that --

5 ALJ SEE: Excuse me, Mr. Yskamp. Could
6 you both speak up. You trail off at the end. Thank
7 you.

8 Q. Didn't the Gas Master Plan recommend that
9 Duke evaluate retiring the propane-air plants?

10 MR. BEELER: Do you have a page number
11 for that by any chance?

12 MR. YSKAMP: Not off the top of my head.
13 I'm sorry.

14 Q. And if you know. If you are not sure.

15 A. Yeah, I do recall this. Yes, on page 91,
16 Section 9.2 of this exhibit in front of me, it says
17 "Lummus Consultants recommends that Duke Energy
18 should evaluate the phasing out, closing, and
19 decommissioning of both propane air facilities...."
20 And also it recommended one of the -- prior to doing
21 that, that one of the reliability recommendations be
22 installed and then the decommissioning. So the
23 proposal -- the proposed pipeline in front of us fits
24 that recommendation.

25 Q. So I will ask again. Isn't it true that

1 the page that you pointed to, 91, states that "Lummus
2 Consultants recommends that Duke Energy should
3 evaluate the phasing out, closing, and
4 decommissioning of both propane air facilities
5 currently operated by Duke Energy"?

6 MR. BEELER: Asked and answered.

7 ALJ SEE: It has been asked and answered.

8 Q. If you could turn back to your testimony.
9 Do you have that in front of you still?

10 A. Sure.

11 Q. So one reason you didn't mention, that I
12 want to discuss with you, is on line 18. You state
13 "Additionally, the Applicant acknowledged that some
14 of --

15 A. Hold on. What page?

16 Q. 4.

17 A. Okay.

18 Q. Page 4. Let me know when you are there.

19 A. I'm there.

20 Q. Okay. Line 18. It states "Additionally,
21 the Applicant acknowledged that some of its current
22 customers' operations are intolerant to the
23 propane-air mixture and must curtail their gas use
24 when the propane-air peaking facilities are in
25 operation." Is this -- is this part of the need, in

1 your opinion, to retire the propane-air plants?

2 A. Yes.

3 Q. Are these customers firm customers?

4 A. They're -- I don't have specific
5 knowledge about their rates. But they do curtail
6 when the propane is in use, so likely it's
7 interruptible.

8 Q. Do you know how many customers this is?

9 A. I don't recall.

10 Q. Do you know if they are simply able to
11 store gas during the 10 to 15 days a year when Duke
12 is operating the P-A plants?

13 A. Who do you mean by "they"?

14 Q. The propane-intolerant customers.

15 A. I don't -- I don't know.

16 Q. Do you know if propane-intolerant
17 customers can get gas from a different portion of the
18 system during peak days?

19 A. There is a figure in the Staff -- in the
20 Application that shows the widespread use of propane
21 or the extent of propane mixture when it is -- when
22 those propane facilities are in use, and I -- so I
23 doubt that they would -- if they are curtailed and
24 they are fixed facilities, I doubt they would get
25 natural gas without propane when those are in

1 operation.

2 MR. YSKAMP: If you could give me a
3 moment. I need to find and mark an exhibit. I am
4 going to mark NOPE Exhibit 20. I am actually not
5 sure if it's one of the City/County exhibits. Can we
6 go off the record for a minute to see if I should
7 even mark this?

8 ALJ SEE: Sure. Let's go off the record.

9 (Discussion off the record.)

10 ALJ SEE: Let's go back on the record.

11 Q. (By Mr. Yskamp) I would like to show you
12 what has been admitted in this case as NOPE --
13 sorry -- City/County Exhibit 28. Have you seen this
14 document before?

15 A. I believe I have, yes.

16 Q. So the request states "State whether
17 propane intolerant users could be supplied from a
18 portion of the system segregated from the propane-air
19 plants." Did I read that correctly?

20 A. Yes, you did.

21 Q. And the answer says "Yes," right?

22 A. Yes, that's what the document says.

23 Q. So replacing aging infrastructure was
24 another need identified; is that correct?

25 A. Yes.

1 Q. But isn't it true that Duke is capable of
2 replacing its infrastructure without the proposed
3 pipeline?

4 MR. BEELER: Can I have that one reread?

5 ALJ SEE: Certainly.

6 MR. BEELER: Please.

7 (Record read.)

8 MR. BEELER: Thank you.

9 A. Construction of the proposed Central
10 Corridor Pipeline would allow Duke to replace aging
11 infrastructure and what -- and maintain service. So
12 there are several lines that could not -- it's my
13 understanding could not be replaced in the off --
14 totally within the offseason, which would be
15 unacceptable because there would be customers without
16 that gas during the winter season.

17 Q. When you say "several lines," are you
18 referring to planned upgrades that Duke Energy
19 already has?

20 A. Lines A -- Line A, Line V, and various
21 Line AM segments. Just to name a few.

22 Q. Could you -- do you see City/County
23 Exhibit 31 in front of you?

24 A. No, I do not.

25 MR. YSKAMP: Can I approach, your Honor?

1 ALJ SEE: Yes.

2 Q. (By Mr. Yskamp) So my apologies. I
3 misspoke to you. Do you see City/County Exhibit 33
4 in front of you?

5 A. Yes, I do.

6 Q. Could you read the request on that
7 exhibit?

8 A. It's NOPE-RFA-01-04 -- 004.

9 Q. What does the request say?

10 A. Oh. "Admit that Lines A, EE, and V can
11 be upgraded and/or replaced without the proposed
12 line."

13 Q. And what -- and it's admitted, right,
14 that it can happen?

15 A. That's their response, yes.

16 MR. BEELEER: Object at this point. Just
17 a foundation whether Mr. Conway has seen this
18 document before.

19 MR. YSKAMP: Yeah, there is no
20 foundation. It's admitted into evidence.

21 ALJ SEE: And he's answered the question.

22 MR. BEELEER: Thank you.

23 MR. YSKAMP: I didn't hear. I'm sorry.
24 I didn't hear you.

25 ALJ SEE: You didn't?

1 MR. YSKAMP: My apologies.

2 ALJ SEE: Oh, and I said "And he's
3 already answered the question" is exactly what I
4 said.

5 MR. YSKAMP: Thank you, your Honor.

6 ALJ SEE: Sure.

7 A. I also would add this does not address
8 Line AM, the various Lines AM as well.

9 Q. Can you -- so it's a Duke exhibit. It's
10 to your -- it's to your right on the -- sorry. On
11 the podium.

12 MR. YSKAMP: Can I approach, your Honor?

13 ALJ SEE: Yes.

14 MR. YSKAMP: Sorry.

15 ALJ SEE: And could you indicate what you
16 showed the witness?

17 MR. YSKAMP: Yeah.

18 Q. For the record, can you state the request
19 number in the top right-hand corner of the document I
20 just handed you?

21 A. It's unmarked -- there is no exhibit, but
22 it's Duke -- or NOPE-RFA-01-001.

23 ALJ SEE: And for the record that has
24 been marked as City/County Exhibit 31.

25 Q. So this -- so Line A, Line EE, Line V

1 were mentioned on the prior requests that you read.
2 What was the name of the line you said wasn't
3 mentioned?

4 A. Line -- Lines -- various Lines AM.

5 Q. Okay. Are they in the Central Corridor?

6 A. Yes.

7 Q. Could you read the request in front of
8 you?

9 A. Yes. Request is "Admit that you can
10 perform maintenance on existing lines in the central
11 corridor without building the proposed pipeline."

12 Q. What's the answer to that question?

13 A. Response is "Admitted."

14 Q. Now, you're concerned about temporary
15 outages during construction or replacement of lines;
16 is that correct?

17 A. Yes. That's my -- that's one of my
18 concerns. They would -- Duke would need to maintain
19 or upgrade all of these lines; and temporary fixes
20 that have occurred, it doesn't seem to be a prudent,
21 long-term solution to replacing the aging
22 infrastructure.

23 Q. Aren't there ways that Duke could
24 mitigate these outages?

25 A. I think during the winter season, that

1 would probably be unexpected -- or unacceptable.

2 Q. So could they repair -- schedule repairs
3 or replacement outside of the winter season?

4 A. I think I had already answered that, that
5 this -- the Line A would need to be replaced in total
6 and we don't have a proposal for that, an OPSB
7 application for that, so I -- I think the Applicant
8 stated it couldn't do it within one winter -- one
9 off-season. So outages during the winter season
10 would be unacceptable.

11 Q. But they could replace it in portions,
12 right?

13 A. Possibly, but I don't think that's a
14 long-term solution. Because that just -- I don't
15 think that's a long-term solution.

16 Q. After they replace the line through
17 portions, isn't it -- aren't those replacements good
18 for the long term?

19 MR. BEELER: Again, this is a -- asked
20 and answered and calling him to speculate on, you
21 know, segments.

22 ALJ SEE: The objection is overruled.

23 You can answer the question, Mr. Conway,
24 as best you can.

25 A. Any proposed pipeline that is OPSB

1 jurisdictional would have to have a full evaluation,
2 so it's not just my engineering evaluation. It would
3 be -- we have a team of environmentalists, geologists
4 and others that would need to evaluate that proposal
5 in total. So it's -- yes, we have replaced -- or we
6 have approved like-for-like segments, so that seems
7 to be my answer.

8 Q. Okay. Have you read the Western Route
9 Constructability Review for this case?

10 A. What do you mean? The -- the Lummus?

11 Q. No, not the Gas System Master Plan. It's
12 titled the Western Route Constructability Review.
13 Have you -- does that ring a bell at all?

14 A. No, I haven't seen that.

15 Q. Would you say that -- so you said it's
16 unacceptable for outages in the winter season. Would
17 you say that it's unacceptable during -- during
18 construction of a pipeline, people don't have access
19 to their homes?

20 A. Could you repeat that question, please?

21 Q. Would you say that during construction of
22 the pipeline, it is unacceptable for people to be
23 blocked from access to their homes?

24 A. I think that's kind of outside the scope
25 of my testimony. I think that would be in the

1 minimum adverse section of the Staff Report.

2 Q. In evaluating need, do you compare
3 impacts of different alternatives?

4 A. That is not a requirement of the -- of
5 the rule. But Duke has explored alternative options
6 for the proposed project.

7 Q. Have you compared impacts of alternative
8 options, aside from the Preferred Route and
9 Alternative Route?

10 MR. BEELEER: Asked and answered.

11 MR. YSKAMP: I don't think he answered at
12 all. He answered what Duke did.

13 ALJ SEE: You can answer the question,
14 Mr. Conway.

15 A. I believe my answer needs -- I asked a
16 Data Request, Staff 16-001. That was marked as
17 highly confidential. And I think that probably would
18 be -- my full response would probably be in the
19 confidential section.

20 MR. YSKAMP: Should I save this question
21 for after public cross then?

22 ALJ SEE: You believe it -- your answer
23 may get into confidential information, Mr. Conway?
24 Am I understanding you correctly?

25 THE WITNESS: Yes, that's correct.

1 MR. YSKAMP: Is the -- for the public
2 version, could you -- it's a yes or no question.
3 Could I get a yes or no answer to that?

4 MR. BEELEER: I would object.

5 ALJ SEE: Could Duke verify that the
6 answer to Data Request, Staff 10-001; is that
7 correct?

8 THE WITNESS: 16-01.

9 ALJ SEE: 16-01 is confidential?

10 MR. HESLIN: It will take a moment, your
11 Honor. We are pulling it now.

12 MR. YSKAMP: I could table this topic and
13 come back.

14 MS. KINGERY: Of a particular attachment?

15 THE WITNESS: All the e-mails were marked
16 highly confidential.

17 ALJ SEE: Okay. While they're looking
18 for it, can you go ahead, Mr. Yskamp, to some other
19 questions you may have?

20 MR. YSKAMP: Yes.

21 ALJ SEE: Thank you.

22 Q. (By Mr. Yskamp) Turning back to your
23 testimony, this is a general question. So you state
24 in your testimony that the Applicant identified
25 several areas of its territories where it anticipates

1 growth.

2 A. To what are you referring?

3 Q. Do you recall if you say that the -- the
4 Applicant identified several areas of its service
5 territories where it anticipates growth?

6 A. Are you pointing to a particular page in
7 my --

8 Q. I am not.

9 A. Yes, I recall that.

10 Q. Did it show you growth -- sorry. Did the
11 Applicant show you that there would be growth in
12 Hamilton County?

13 A. Yes.

14 Q. And was that based on population
15 forecasts?

16 A. In discussion with Duke employees, they
17 indicated there was growth near the former Blue Ash
18 Airport, and that they have experienced an increase
19 of customers since the 2016 original filings, and
20 they indicated that several interruptible customers
21 would like firm service, that they were desiring the
22 service. So those were experienced growth and
23 anticipated growth.

24 Q. So clarify for me, what was the
25 anticipated growth?

1 A. The firm -- the interruptible customers
2 that wanted to become firm customers.

3 Q. So is -- is it the case --

4 A. And -- repeat that question.

5 Q. So my question was, what was -- I asked
6 you to clarify what the anticipated growth was, and
7 you said from customers that want to be -- sorry,
8 interruptible customers that want to be firm
9 customers.

10 A. That's correct.

11 Q. Is it -- so is it the case that your
12 opinion is not based on population forecasts?

13 A. You know, I didn't do a population
14 forecast.

15 Q. How many interruptible customers want to
16 be firm customers?

17 A. I don't know the exact number.

18 Q. Could you please turn to page 28 of the
19 Staff Report.

20 A. Yes.

21 Q. The item titled "System Modeling Study
22 Options." Do you see that toward the bottom of the
23 page?

24 A. Yes.

25 Q. Did you contribute to this part of the

1 Staff Report?

2 A. Yes, I did.

3 Q. So the first paragraph says "The Gas
4 System Master Plan outlined several" -- sorry --
5 "seven alternative system improvements that would
6 allow the retirement of the propane-air peaking
7 plants, reduce the reliance on the Foster Station,
8 and allow replacement of aging infrastructure."

9 And then the next sentence states "The
10 Applicant considered three western options, one
11 eastern option beyond the I-275 outerbelt, and three
12 central options within the I-275 outerbelt in the Gas
13 System Master Plan." Where did they consider those
14 options?

15 A. I think this is getting to the earlier
16 question and the kind of replies in that -- in that
17 Staff Data Request 16-001 which was discussed
18 earlier.

19 Q. That would reflect their consideration of
20 those options, that Data Request, is that what you
21 are saying?

22 A. Their response, yes.

23 Q. Okay. Let me ask you about the next
24 sentence. "The Applicant found that the western
25 options did not allow for retirement of the

1 propane-air peaking plants or improve reliability in
2 the central core area." What do you base that
3 sentence on?

4 A. Again, the response to Staff -- the Data
5 Request 16-001 and the -- and on the -- the Amended
6 Application, pages 4-3.

7 Q. What are you referring to in the Amended
8 Application?

9 A. The last paragraph 4-3.

10 Q. Could you please read it for me?

11 ALJ SEE: What date is the amendment --
12 the Amended Application you are referring to?

13 THE WITNESS: March 2017.

14 ALJ SEE: Thank you. Go ahead.

15 A. I will read that last paragraph. "In
16 general, the western options did not allow for
17 retirement of the propane-air plants, nor did they
18 improve reliability to the extent that inspection and
19 replacement work could be conducted as needed in the
20 central core area."

21 Q. And are those the western options in the
22 route selection study?

23 MR. BEELEER: Objection. Outside the
24 scope. He didn't do the route selections. That is
25 another Staff witness.

1 MR. YSKAMP: I am just trying to figure
2 out the western options that he wrote in his Staff
3 Report. And he pointed to that paragraph. I did
4 not.

5 ALJ SEE: The witness can answer the
6 question.

7 A. I believe these western options were the
8 options mentioned in the Lummus Report.

9 Q. So you believe that in the Application
10 the options in the Lummus Report were evaluated?

11 A. That's my understanding.

12 Q. Were you here for Mr. Nicholas's
13 testimony yesterday?

14 A. No, I was not.

15 Q. Could you turn to page 61 of the Lummus
16 Report. I would like to direct you to the last
17 paragraph on the page.

18 MR. BEELER: What page was that again?
19 Sorry.

20 MR. YSKAMP: 61.

21 Q. This paragraph states "In order to
22 analyze a wide range of potential expansions that
23 could reduce or eliminate the reliability exposure
24 presented by the reliance on flow through Foster
25 Station, Lummus Consultants supervised the following

1 nine Stoner simulation runs. They analyze the
2 specific capabilities of potential expansions in the
3 Center, Western, and eastern portions of Duke
4 Energy's service territory. Each scenario assumes a
5 system peak sendout of 42,462 Mcfh, available Foster
6 pressure of 400 psig, and no contribution from the
7 propane air plants." Did I read that correctly?

8 A. Yes, you did.

9 Q. It was your understanding that the Gas
10 Master Plan modeling -- modeled with no contribution
11 from the propane-air plants?

12 A. That's what I just stated.

13 Q. Was that your understanding before today?

14 A. Yes.

15 Q. And do you know how the western
16 options -- options fared in this analysis compared to
17 the Central Corridor option?

18 A. Yes. But Duke did an additional analysis
19 and it's the Confidential Staff Data Request 16-001;
20 so they did their additional analysis on those
21 routes.

22 Q. Could you turn to page 64 --

23 A. Yes.

24 Q. -- the Lummus Report. So under 5.3.3.2,
25 System West Expansions, I want to read the

1 description of the W-1 Expansion. So it states "W-1
2 Expansion - An alternative option to bring gas from
3 the north is represented in Figure 42 where, instead
4 of the C314 extension, a new 32-inch lateral of
5 18.1 miles was sized to bring gas from TGT at
6 Harrison Station, southward across the Ohio River, to
7 connect with the AM07-line on the Kentucky side of
8 Anderson Ferry." Was that your understanding of what
9 the western option was before today?

10 A. Yes, I believe that is the western
11 option.

12 MR. YSKAMP: Give me one moment to find
13 another exhibit.

14 ALJ SEE: Let's go off the record while
15 you look for that exhibit, Mr. Yskamp.

16 (Discussion off the record.)

17 ALJ SEE: Let's go back on the record.

18 MR. YSKAMP: I am going to mark NOPE
19 Exhibit 21.

20 ALJ SEE: You never used 20.

21 MR. YSKAMP: That's right, I did not use
22 20. Actually, could we check this one, as well, off
23 the record?

24 ALJ SEE: Okay. Let's go off the record.

25 (Discussion off the record.)

1 ALJ SEE: Let's go back on the record.

2 MR. YSKAMP: May I approach, your Honor?

3 ALJ SEE: Yes.

4 Q. (By Mr. Yskamp) Have you seen this
5 document before?

6 A. No, I have not.

7 Q. The document I just handed you is
8 City/County Exhibit 9. Under "Request," it asks
9 "Please identify and describe the basis or bases for
10 the contention, as most recently explained on page 28
11 of the Amended Staff Report, that Duke 'found that
12 the western options did not allow for retirement of
13 the propane-air peaking plants.'" Did I read that
14 correctly?

15 A. Yes, you did.

16 Q. And if you follow me past the objection,
17 if you follow where it starts "Without waiving said
18 objection," this states "Without waiving said
19 objection, to the extent discoverable, and in the
20 spirit of discovery, modeling of a 20-inch proposed
21 western connection to the Duke high pressure
22 distribution loop with propane/air peaking plants off
23 line resulted in inadequate pressures during peak
24 hour conditions in north eastern portions of the
25 natural gas system." Did I read that correctly?

1 A. Yes, you did.

2 Q. Isn't it true that a 20-inch western
3 connection in Duke's high-pressure distribution loop
4 is not the W-1 expansion in the Gas System Master
5 Plan?

6 A. I haven't seen this document before
7 today, but, yes, this 20-inch line is different than
8 the western line.

9 MR. YSKAMP: So, subject to the potential
10 confidential portion of my cross, that's all I have.

11 ALJ SEE: Let's -- it's now 1:35. Let's
12 go off the record. Let's take a lunch break, go off
13 the record, and allow the parties to look at the
14 confidential exhibit that Mr. Conway has been
15 referring to, to see if you can work out something to
16 allow questioning to continue within the public
17 portion of the record.

18 With that, we'll resume at 2:15.

19 (Thereupon, at 1:37 p.m., a lunch recess
20 was taken.)

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1 Thursday Afternoon Session,
2 April 11, 2019.

3 - - -

4 ALJ SEE: Let's go back on the record.
5 Mr. Heslin.

6 MR. HESLIN: Your Honor, I'm deferring to
7 Mr. Yskamp. I think he has made a decision about
8 further questioning.

9 ALJ SEE: Mr. Yskamp.

10 MR. YSKAMP: Your Honor, I don't have any
11 more questions for this witness, confidential or
12 otherwise.

13 ALJ SEE: Okay. Thank you.

14 And Mr. Keaney.

15 MR. STEVENSON: I have no questions, your
16 Honor.

17 MR. KEANEY: I do have questions. That
18 was Mr. Stevenson.

19 ALJ SEE: I thought you sounded slightly
20 different but okay.

21 I'm sorry, Mr. Stevenson.

22 MR. STEVENSON: I have no questions. I
23 thought that's who you were calling on. Sorry.

24 ALJ SEE: That's okay.

25 Well, Mr. Fox.

1 MR. FOX: No, your Honor.

2 ALJ SEE: Mr. Keaney.

3 MR. KEANEY: Yes, thank you, your Honor.

4 - - -

5 CROSS-EXAMINATION

6 By Mr. Keaney:

7 Q. Good afternoon, Mr. Conway. If I can
8 direct you to page 3 of your testimony, beginning
9 with the Q and A on line 7. Let me know when you are
10 there. Thanks.

11 A. I am there.

12 Q. Here you talk about there being a
13 threefold purpose of the proposed pipeline project,
14 correct?

15 A. Yes, I do.

16 Q. And one of those is balancing system
17 supply from north to south, a second one is retiring
18 propane-air peaking plants, and the third would be
19 replacing aging infrastructure; is that correct?

20 A. Yes. Those are the three fundamental
21 goals of the -- purposes of the pipeline.

22 Q. Now, Duke created these three fundamental
23 goals of the pipeline, correct?

24 A. I believe that -- yes, the Gas Master
25 Plan led them to this. And this was Duke's three

1 fundamental goals of the pipeline.

2 Q. Fair to say that Staff did not create
3 these goals or have any role in the development of
4 what the three objectives or goals might be for the
5 proposed pipeline; is that fair to say?

6 A. It's not completely fair because the --
7 this issue has kind of been a long term -- a long way
8 coming. The pipeline has been in the long-term
9 forecast for many years. The 2015 Management
10 Performance Analysis identified that Duke would need
11 to retire its propane-air facilities. The Gas Master
12 Plan kind of led them to evaluate different options,
13 reliability options, and also retire the Gas Master
14 Plan -- or the propane peakers. And that -- that
15 kind of led to those three goals.

16 Q. Let me ask you this: Staff did not tell
17 or direct Duke how it ought to achieve those three
18 goals or purposes, correct?

19 A. OPSB Staff, no. But the -- I mean the
20 Commission has heard this issue of the propane
21 facilities in its -- in the gas cost recovery case, I
22 mentioned that before, so.

23 Q. So would it be more accurate to say that
24 Duke, in conjunction with Staff, developed these
25 three primary goals for the project?

1 A. Could you repeat that question, please?

2 Q. Sure.

3 MR. KEANEY: Can I have the question
4 reread?

5 (Record read.)

6 A. Maybe -- no, Staff didn't tell them to --
7 the three goals. I think Duke, more Duke than Staff.

8 Q. Understood. Thank you.

9 Now, you are described as an Engineering
10 Specialist; is that right?

11 A. Yes.

12 Q. So based on your review of the documents
13 in this case and based on your experience as an
14 Engineering Specialist, can Duke replace aging
15 infrastructure without retiring the propane-air
16 plants?

17 A. Could you be more specific as to what --
18 your question is kind of vague. As opposed to
19 what -- what would need to be replaced?

20 Q. You understand that one of the three
21 goals is to replace aging infrastructure, correct?

22 A. That's correct.

23 Q. A separate goal would be to retire the
24 propane-air peaking plants, correct?

25 A. That's correct.

1 Q. What I am wondering is, can Duke achieve
2 both of those objectives without having to do them
3 simultaneously?

4 A. For different pieces, yes. We have --
5 Duke has replaced since -- since the 2016 filings,
6 they have replaced certain sections and done
7 maintenance and replaced like for like. I forget the
8 specific case number.

9 Q. And those replacements would need to be
10 made irrespective of whether the propane-air peaking
11 plants will be retired, correct?

12 A. Yes. As identified in the long-term
13 forecast, a lot of the pipelines are aged and, as
14 issues come up, the Public Utilities Commission and
15 OPSB Staff would want them to be replaced prudently.

16 Q. So Duke has an obligation to repair and
17 replace this aging infrastructure regardless of
18 whether this proposed pipeline and whatever route is
19 approved, correct?

20 A. Yeah. If there is a problem with a
21 pipeline, it would need to be replaced or repaired.

22 Q. So if there are safety and reliability
23 issues regarding any aging infrastructure that may be
24 out there, Staff would not expect Duke to delay or
25 avoid the replacement of that aging infrastructure,

1 correct?

2 A. No. If there is a problem with the line,
3 we would expect them -- Duke to prudently replace it,
4 repair it, correct.

5 Q. Are you aware of any aging infrastructure
6 that Duke cannot repair or cannot replace without the
7 proposed pipeline in this case?

8 A. I think Line A is one that needs to be
9 replaced and it cannot be operated at a higher
10 pressure and that one would need to be -- Duke would
11 need to consider replacing that and this Central
12 Corridor Pipeline is a -- would need to be in place
13 probably prior to that being -- prior to Line A being
14 replaced.

15 Q. Okay. So just to clarify, Line A, the
16 portion that you are talking about, cannot be
17 repaired or replaced unless the proposed pipeline is
18 constructed, correct?

19 A. That's my understanding.

20 Q. And is that understanding based on
21 discussions with Duke?

22 A. Yes.

23 Q. Any other independent knowledge of that
24 conclusion?

25 A. Page 4-2 of that Application.

1 Q. Are you referencing the Amended
2 Application?

3 A. Yes, the Amended March 2017 application.

4 Q. Can you give my that page citation again,
5 Mr. Conway?

6 A. 4-2.

7 Q. Now, 4-2 in the Amended Application was
8 drafted and filed by Duke, correct?

9 A. Yes.

10 Q. And so my question was, besides what Duke
11 has told you or otherwise represented to you, do you
12 have any other independent knowledge to support that
13 conclusion?

14 A. I don't think so.

15 Q. Is it fair to say that the three
16 projects -- the three objectives we were just talking
17 about, do you remember those?

18 A. Yes.

19 Q. It's fair to say that those can be
20 accomplished independently of each other.

21 A. I would doubt that you could retire the
22 propane-air facilities without an additional supply
23 of gas to the system; so that's -- I wouldn't agree
24 with you on that.

25 Q. Can you replace aging infrastructure

1 without retiring the propane-air peaking plants?

2 A. I thought we already -- yes, they could
3 replace aging infrastructure without retiring the
4 propane.

5 Q. Okay. Is it a Staff requirement that one
6 project must satisfy all three of those objectives at
7 the same time in the same project?

8 A. Staff evaluated the proposal in total, so
9 we looked at all the environmental issues, the need
10 for the facility, all the engineering -- the
11 benefits, the impact; so it's a -- it's a total
12 project. We can't really piecemeal it.

13 Q. I understand that that's your perception.
14 What I am asking is, are you aware of any Staff
15 requirement that one project must satisfy all three
16 objectives simultaneously?

17 MR. BEELEER: Objection, asked and
18 answered. The witness said that no, they can't take
19 it piecemeal, there is no Staff requirement, they
20 look at the project as a whole.

21 MR. KEANEY: If his answer is no to that
22 question, I will move on.

23 MR. BEELEER: He answered it with his
24 narrative.

25 MR. KEANEY: With all due respect, he did

1 not.

2 ALJ SEE: The objection is overruled.

3 Would you like the question repeated,
4 Mr. Conway?

5 THE WITNESS: Yes, please.

6 (Record read.)

7 A. The question is difficult to answer. I
8 think -- there must be a need for the pipeline before
9 we approve it. There needs to be -- I think our
10 rules outline all of the requirements for any type of
11 pipeline that needs to be proposed.

12 Q. Do any of the rules that you are thinking
13 of in your mind right now, do any of those rules
14 require that Duke accomplish all three of those
15 objectives in one project?

16 A. The rule that I am thinking of is the
17 reference -- the project must be referenced in the
18 long-term forecast. So if the project is referenced
19 in the long-term forecast, that's required, that's --
20 that's kind of what I see as a requirement.

21 Q. So is it your testimony that the
22 requirement to accomplish all three objectives in one
23 project derives from Duke's long-term forecast
24 report?

25 A. I think a project that doesn't satisfy

1 these goals or is not in the long-term forecast, OPSB
2 would have a difficult time approving it, or the
3 Applicant would need to explain why it's not in that
4 forecast; so to that extent, I believe that --
5 that -- I think that's kind of one of the bases why
6 Duke proposes projects too.

7 Q. Mr. Conway, let me ask it this way: Can
8 you tell me where I can find the requirement, imposed
9 by Staff, that Duke's project must accomplish all
10 three objectives simultaneously in one project?

11 MR. BEELER: I would object. I believe
12 he answered the question. He said, in his opinion,
13 that the rule that references the long-term forecast
14 reports and combined with his knowledge of the Power
15 Siting Board approval process, that it is a
16 requirement.

17 MR. KEANEY: I'm asking which rule.
18 Where I can find it. He has given me all kinds of
19 different evasive --

20 MR. BEELER: He has given you the rule,
21 the language of the rule. He doesn't have the rule
22 memorized.

23 ALJ SEE: I don't think the witness has
24 answered the question. The objection is overruled.

25 Try it again, Mr. Keaney.

1 Q. (By Mr. Keaney) I have tried it three
2 different ways. Let me try a fourth way.

3 You've mentioned that there is a
4 requirement that Duke has to accomplish all three
5 goals, as you've explained them today, in one project
6 simultaneously. Correct?

7 A. I think the pipeline needs to be proposed
8 in the long-term forecast. There is no specific
9 requirement, as I understand, that -- that states
10 each pipeline needs to have three different goals
11 or -- I think it's kind of for the Board to review
12 and to weigh the benefits of all of the proposed OPSB
13 projects.

14 Q. So is it fair to say there is no specific
15 requirement that you are aware of that one project
16 must meet all three objectives in one project
17 simultaneously, correct?

18 A. I think that's fair.

19 Q. Thank you.

20 If you could just turn to page 5 of your
21 testimony, I am going to be looking at line 18.
22 That's page 5, beginning line 18. Let me know when
23 you are there, please.

24 A. I'm there.

25 Q. Your testimony states "The Applicant's

1 modeling shows that the Foster Station would serve
2 45 percent of the Ohio customer load after
3 installation of the Central Corridor Pipeline. This
4 is a noticeable reduction from the 55 percent with
5 the current system." Did I read that correctly?

6 A. Yes.

7 Q. Now, have you at all read Mr. Hebbeler's
8 testimony in this case at any point?

9 A. I believe I read portions.

10 Q. Okay. Do you remember the portion of his
11 testimony when he talks about Duke having originally
12 started with the 30-inch pipeline and eventually
13 changing it to a 20-inch pipeline?

14 A. I understand that's what happened.

15 Q. Okay. Do you remember the testimony in
16 this case where Duke explained that because they had
17 moved from a 20- to a 30-inch pipeline -- from a
18 30- to a 20-inch pipeline, that they were going to
19 have to make some additional enhancements to the
20 system to make up for that change? Do you remember
21 that?

22 A. Yes. That's my understanding.

23 Q. Okay. Now, since Duke will need these
24 additional enhancements and upgrades to its system to
25 address the north-south balance issue, what is

1 Staff's opinion as to the percentage of reliance on
2 Foster Station that should be achieved from those
3 additional projects, those enhancements, upgrades,
4 things like that?

5 A. The question is kind of vague. What do
6 you mean by "reliance on"?

7 Q. Do you know what the reliance on Foster
8 Station is right now, without the proposed pipeline?

9 A. Maybe you could just repeat the question.
10 I didn't catch the first part of it.

11 Q. Sure.

12 I was referencing Mr. Hebbeler's
13 testimony where he says, you now, we need to make --
14 we need to have additional upgrades and enhancements
15 to the system to address -- to further address this
16 reliability problem with Foster Station. Are you
17 with me so far?

18 A. Yes.

19 Q. So what I am asking is, what is Staff's
20 opinion as to the percentage of reliance on Foster
21 Station that would need to be achieved in
22 implementing those additional enhancements or
23 upgrades?

24 A. Any reduction in the reliance on the
25 Foster Station is beneficial to the Duke system; so

1 that's our -- that's my opinion.

2 Q. So is it fair to say that as long as any
3 of those projects in the future, those upgrades or
4 enhancements, as long as they reduce reliance on
5 Foster Station in any amount, Staff is okay with
6 that; is that fair to say?

7 A. As I stated earlier, we -- as a Staff --
8 when we produce the Staff Report, it's a team effort,
9 but my -- my opinion or my recommendation would be
10 in -- reduction on the reliance -- I'm sorry --
11 reducing the reliance on the Foster Station would be
12 beneficial to Duke.

13 Q. Okay.

14 A. But the environmental issues, I mean,
15 Staff would weigh those in total.

16 Q. Fair enough.

17 The Amended Application proposes two
18 routes, the Preferred Route and the Alternate Route,
19 correct?

20 A. Yes.

21 Q. And Staff is recommending the Alternate
22 Route, correct?

23 A. That's correct.

24 Q. Is it your understanding that both the
25 Preferred Route and the Alternate Route would reduce

1 reliance on Foster Station from 55 percent to 45
2 percent?

3 A. I believe the -- Duke has clarified that
4 the Alternate would -- would go down to 50 percent.

5 Q. So on page 4 of your testimony, and I am
6 looking at beginning on line 18, let me know when you
7 are there.

8 A. I'm there.

9 Q. And it states "The Applicant's modeling
10 shows that the Foster Station would serve 45 percent
11 of the Ohio customer load after installation of the
12 Central Corridor Pipeline," correct?

13 A. That's correct.

14 Q. And so, here in your testimony, you are
15 talking about the Preferred Route, not the Alternate
16 Route, correct?

17 A. Yeah. I think that needs to be corrected
18 to 50.

19 Q. Thank you.

20 I want to stay on page 5 of your
21 testimony there, and the next line that I will read
22 is 20 and 21 on page 5, it reads "This is a
23 noticeable reduction from the 55 percent with the
24 current system." Did I read that correctly?

25 A. That's correct.

1 Q. And when you are saying this is a
2 noticeable reduction, you are talking about from 55
3 to 45, correct?

4 A. I am aware -- 50 -- 55 to 50 is also a
5 noticeable and beneficial reduction. And then also
6 it would reduce -- allow the Applicant to retire the
7 propane facilities which is an additional 5 percent
8 and 10 percent each, so.

9 Q. Can you ex -- I was with you except for
10 the last part. What did you say? What is additional
11 and how it reduces reliance on Foster Station?

12 A. I meant the peakers. The peakers would
13 be reduced. I'm sorry. Reduction of the reliance on
14 the Foster Station, the 50 percent, is beneficial.
15 And then also retirement of the propane-air
16 facilities is beneficial too, so that's --

17 Q. Understood. I believe you had said
18 5 percent is a noticeable reduction, correct?

19 A. That's correct.

20 Q. Would 1 percent be a noticeable
21 reduction?

22 MR. BEELEER: I would place an objection
23 here. It's calling for speculation.

24 MR. KEANEY: Your Honor, I was going to
25 respond --

1 MR. BEELER: The actual number here is
2 5 percent, not 1 percent.

3 MR. KEANEY: Your Honor, he actually
4 testified, originally, 10 percent was a noticeable
5 reduction. Today, for the first time, I found out
6 5 percent is a noticeable reduction. I think it's
7 completely fair, within the scope of his testimony,
8 to ask what else Staff considers to be a noticeable
9 reduction.

10 MR. BEELER: I don't believe it's
11 relevant here. I mean, he has stated that there's
12 noticeable -- a noticeable reduction and that's --
13 and that's taken into account with the other factors
14 that he relied on, you know, in the Application and
15 everything that he reviewed in his investigation.

16 ALJ SEE: The objection is overruled.

17 Mr. Conway, you can answer the question
18 with whatever caveat you need.

19 A. Without speculating, these are large
20 systems, so when you talk about 1 percent to
21 5 percent, you are talking about customers and they
22 are huge. It's -- it's a huge system, so I am not
23 sure if 1 percent is noticeable but it is beneficial.

24 Q. Okay. Fair enough. Let me cut right to
25 the chase. Would any reduction, no matter how small,

1 be considered what you describe in your testimony as
2 a noticeable reduction?

3 A. I don't think that's fair.

4 Q. So, I'm sorry, is your testimony you --
5 you do not believe any reduction would be noticeable?

6 A. I mean, you would notice anything, you
7 know, 1 percent or above. That's it.

8 Q. So Staff would consider any reduction, no
9 matter the amount, as being a noticeable reduction;
10 is that fair to say?

11 A. If you can notice it, yes.

12 Q. Okay. On page 5 again, beginning on
13 line 21, without the proposed pipeline, Duke
14 currently relies on Foster Station for 55 percent of
15 its customer load, correct?

16 A. That's correct.

17 Q. Does Staff consider 55 percent to
18 constitute excessive reliance on Foster Station?

19 A. I don't think we used the term
20 "excessive." I think we used the term "critical."
21 In the Foster Station, the propane facilities, the
22 WW Station, they are all critical facilities; so
23 "critical" is probably more accurate.

24 Q. So I am not asking you to describe the
25 facilities. What I am asking is, as a general

1 planning matter, 55 percent of Duke's entire supply
2 comes from one gate station, Foster Station; and so
3 my question is, does Staff believe that 55 percent
4 reliance on one gate station constitutes excessive
5 reliance?

6 A. Again, I don't think I can say excessive.
7 It is what -- it's the occurrence. It makes it
8 critical. It's a Kentucky facility. It's a critical
9 station.

10 Q. So just to clarify, Staff -- you do not
11 believe Staff would constitute that as excessive
12 reliance? You are not prepared to call it excessive;
13 is that fair to say?

14 MR. BEELEER: Objection. Asked and
15 answered. He already said he doesn't know.

16 MR. KEANEY: Your Honor, I am just trying
17 to clarify the statement. It was, to me, not clear.

18 ALJ SEE: I think the witness has
19 answered the question. Move on, Mr. Keaney.

20 Q. (By Mr. Keaney) Can you go to page 8 of
21 your testimony and start on line 9, please. I'm
22 sorry. Page 8, line 10.

23 A. I am there.

24 Q. And this states that "The number of
25 customers have increased since the original case

1 filings in 2016," correct?

2 A. That's correct.

3 Q. Do you know how many more customers Duke
4 has today, compared to the time of the original case
5 filing in 2016?

6 A. Yes.

7 Q. How many more?

8 A. Approximately 13,500 more.

9 Q. And is it your understanding that Duke's
10 regional -- regional expansion plans, which are
11 referenced just for you on page 8, lines 8 and 9. Do
12 you see where I am referencing your use of the term
13 "regional expansion plans"?

14 A. I see that.

15 Q. Is it your understanding that Duke's
16 regional expansion plans assume there will be
17 customer growth in Hamilton County?

18 A. Yeah. It's my understanding that the --
19 with the proposed pipeline there's going to be
20 additional demand of -- can go up to 45,500 Mcf per
21 hour.

22 Q. So I think I know the answer to this, but
23 I just want to clarify. Is it your understanding
24 that Duke's regional expansion plans then would
25 assume there will be load growth in the Central

1 Corridor?

2 A. I don't know if you can narrow it to the
3 Central Corridor but, yes, the system will increase
4 to 45,500 Mcf per hour.

5 Q. So instead of the Central Corridor, let's
6 confine it to Hamilton County. Do you know if Duke's
7 regional expansion plans that you reference in your
8 testimony assume load growth in Hamilton County?

9 A. Yes.

10 Q. Thank you.

11 On page 8, line 12. Again, I want to
12 focus on this "regional expansion plans." Do you see
13 that?

14 A. I see line 12.

15 Q. And do you see your reference to
16 "regional expansion plans"?

17 A. Yes.

18 Q. What I would like to know is have you --
19 do you know if Duke's regional expansion plans have
20 been reduced to writing?

21 A. Yes.

22 Q. And have you looked at Duke's regional
23 expansion plans?

24 A. They are -- the long-term forecast, yes.

25 Q. That's just what I was going to ask.

1 Thank you.

2 Does Duke set forth specific details
3 about its regional expansion plans in the long-term
4 forecast?

5 A. Yes. I believe the proposed transmission
6 lines in the near future are a connector from C314 to
7 the Lebanon Hub. That would be in 2023. And then
8 beyond that, a pipeline proposed for Clermont County.
9 So those are at least the most immediate.

10 Q. And both of those would be part of the
11 regional expansion plans, correct?

12 A. That's fair.

13 Q. Does Duke provide projected costs for
14 those specific projects you mentioned or any others
15 that would be part of its regional expansion plans?

16 A. They may. I don't have the long-term
17 forecast memorized.

18 Q. Okay. Does Duke provide the timing or
19 the timeline, whether that be an actual timeline or
20 projected timeline, of its regional expansion plans
21 in the long-term forecast?

22 A. Yes, they have. The Lebanon to -- the
23 C314 to Lebanon Hub, I remember was proposed to be
24 installed in 2023.

25 Q. And do you know if Duke has to advise the

1 Board to seek approval to obtain the certificate,
2 say, in order to commence construction on those
3 projects that you mentioned?

4 A. We don't have those plans in front of us,
5 but based on the size and I think the pressure, it
6 would likely be OPSB, those would likely be OPSB
7 projects.

8 Q. Is it fair to say that in approving this
9 -- recommending approval of the Alternate Route, that
10 Staff comprehensively reviewed the long-term forecast
11 to assess whether it would recommend approval of
12 either route in this case?

13 A. The requirement is that the proposed
14 project be mentioned or referenced in the long-term
15 forecast. And the C314V, Central Corridor Pipeline,
16 has been in the long-term forecast for many years.

17 Q. I'm sorry. Do you know since when?

18 A. At least 10 years.

19 Q. So if I looked at the long-term forecast
20 from 2009, you are saying I would see reference to a
21 Line C314V Project or a Central Corridor Pipeline
22 Project?

23 A. Yes.

24 Q. Thank you.

25 Do you know -- are you aware of any plans

1 or projects, as part of the regional expansion plans
2 or as part of the long-term forecast, that is
3 designed to address the reliance on Foster Station
4 after the proposed pipeline is constructed?

5 A. I don't have the long-term forecast in
6 front of me, but that was in 2017 at a different
7 stage of this case, so I think those -- the two
8 projects I mentioned are the ones that are the most
9 immediate projects after the C314V.

10 Q. And I know you don't have it in front of
11 you, but you would expect those to be in the plan --
12 somewhere in the long-term forecast, specifically
13 addressing the reliance on Foster Station; is that
14 correct?

15 A. The next long-term forecast is due in
16 2020, so it may be in there.

17 Q. I am not asking about the next one. I am
18 asking about the long-term plans that you referenced
19 that are what you described as part of Duke's
20 regional expansion plans.

21 A. The two immediate projects that I saw in
22 the long-term forecast, the C314 to Lebanon and the
23 Clermont County one, I don't know if they would
24 reduce reliance on the Foster Station. And
25 additionally, the regional expansion plans, Lummus

1 mentioned compressed natural gas for vehicles, so
2 that is a possibility as well. That's part of their
3 expansion, but those are the -- those are the two
4 expansions that I was thinking of.

5 Q. Just to clarify, you reference LNG; is
6 that right?

7 A. No. Natural gas vehicles.

8 Q. Okay. And it's your understanding that
9 natural gas vehicles are part of Duke's long-term
10 regional expansion plans, to use your term; is that
11 right?

12 A. Yeah. I think they were mentioned by
13 Lummus.

14 Q. Okay. But Lummus is not a long-term
15 forecast by Duke, correct?

16 A. That's correct.

17 Q. So I am asking about the long-term
18 forecast.

19 A. Okay. The -- the expansion --

20 MR. BEELER: One second. Would it help
21 to have the actual document so he can see? He seems
22 to be struggling with -- he is asking him what's in a
23 document that is not in front of him.

24 MR. KEANEY: Happy to provide the
25 document for him.

1 ALJ SEE: Yes. Please do.

2 Q. 2017 long-term forecast?

3 A. Correct.

4 Q. Okay.

5 MR. KEANEY: For the record, it's NOPE

6 Exhibit 1.

7 A. Is there a question?

8 Q. Sure.

9 MR. KEANEY: Do you mind rereading the
10 question that's pending?

11 (Record read.)

12 MR. KEANEY: I can rephrase, your Honor.

13 ALJ SEE: Yes. Please do.

14 Q. Are you aware of any plans or projects in
15 the long-term forecast report in front of you, marked
16 NOPE Exhibit 1, that specifically addresses the
17 reliance on Foster Station after the proposed
18 pipeline is constructed?

19 A. I would have to see specific modeling for
20 each of these to see -- to answer that question.

21 Q. So looking at the 2017 long-term forecast
22 report in front of you, is not -- you are not able to
23 answer whether there would be any plans or projects
24 that would address the reliance on Foster Station
25 after the proposed pipeline is constructed, correct?

1 A. No, I can't answer that.

2 Q. Thank you.

3 Do you know, has Staff had any
4 discussions with Duke concerning what additional
5 improvements or enhancements it has to have on its
6 system to address this problem with reliance on
7 Foster?

8 A. I am not aware of Power Siting Staff
9 having those discussions. I would believe maybe our
10 other folks in our department may have had that.

11 Q. Let's stay in this case. Are you aware
12 of any Staff members assigned to this case addressing
13 the issues raised in Duke's Amended Application that
14 would regard any discussions between those Staff
15 members I just referenced and Duke, concerning the
16 additional enhancements or improvements that Duke is
17 going to make in the future, to address this problem
18 with Foster Station in terms of its reliance issue?

19 A. You are mischaracterizing it as a
20 problem, but I am not aware of Staff members assigned
21 to this case who have had those discussions.

22 Q. Thank you.

23 Now, on page 8 of your testimony, I am
24 going to be looking at line 9, you reference a
25 long-range plan. Do you see that?

1 A. No, I don't see that.

2 Q. So I'm on page 8, line 19. You use the
3 term "long-range plan."

4 A. Yes, I see those references.

5 Q. Just for clarity, is this the same
6 thing -- when I say "this" -- is a "long-range plan"
7 referenced in your testimony on page 8, line 19, the
8 same thing as the "regional expansion plans"
9 referenced on page 8, lines 8 through 9 of your
10 testimony?

11 A. No. The Lummus Report is what I meant by
12 long-range plan.

13 Q. And you've reviewed the Lummus Report,
14 correct?

15 A. Yeah.

16 Q. You're familiar with the Lummus Report?

17 A. Yes, I reviewed it. I am familiar with
18 it.

19 Q. Does Duke provide projected costs of the
20 projects -- excuse me. Does Lummus provide the cost,
21 whether that be estimated or actual, of any of the
22 proposals in -- in the long-range plan, the Lummus
23 Report?

24 A. I think this was the question I didn't
25 have clarification on, whether it was part of the

1 confidential portion.

2 Q. The Lummus Report is no longer
3 confidential, so.

4 A. Staff Report -- the answer to that
5 Appendix D as referenced in the Staff Report -- Staff
6 Data Request 16-001. Is that still confidential?

7 ALJ SEE: Just a moment. Let's go off
8 the record.

9 (Discussion off the record.)

10 ALJ SEE: Let's go back on the record.
11 Could you repeat that, Mr. Heslin?

12 MR. HESLIN: Yes, your Honor.

13 Referencing the Lummus Report and the
14 witness's concerns about confidentiality, based on
15 the representation of counsel where his questioning
16 is going, we have no concerns regarding the witness
17 divulging any confidential information.

18 ALJ SEE: The Lummus Report, as attached
19 to NOPE Exhibit 19, is public.

20 MR. HESLIN: It is public in its entirety
21 as attached to that NOPE exhibit.

22 ALJ SEE: Okay. Make sure that --

23 MR. HESLIN: Judge, to be clear, that
24 document that is attached to the NOPE exhibit is
25 missing, as Mr. Beeler said, an appendix. I don't

1 think that is necessary for these questions; to the
2 extent that it is, we are waiving the confidentiality
3 for the purposes of this witness's testimony.

4 ALJ SEE: Okay. Go ahead.

5 MR. KEANEY: Did I have a question
6 pending?

7 ALJ SEE: Could you ask it again?

8 MR. KEANEY: I just want to know where I
9 was last so I don't repeat anything.

10 (Record read.)

11 A. Yes, Duke provided costs for all the
12 alternatives in the Gas Master Plan.

13 Q. The author of the Lummus Report is Lummus
14 Consultants International, correct?

15 A. I just want to confirm. Yes.

16 Q. Now, when you reference Duke's long-range
17 plan, that term is synonymous with the Lummus Report,
18 correct?

19 A. Yes, that's what I meant.

20 Q. So are you saying that Duke's long-range
21 plan, according to Staff, is the Lummus Report?

22 A. It's my understanding -- I referenced
23 that long-range plan as the Lummus Report. That was
24 their consultant that did the work for them. I had
25 further discussions, in May of 2017, with Duke

1 employees. They provided cost estimates for all of
2 those. They said they did an alternate ranking or
3 alternate analysis. They didn't fully adopt the
4 Lummus ranking method. And that is all in Staff Data
5 Request 16-001. And I took that as proof that they
6 did a further analysis and that was their link to the
7 long-range plan.

8 Q. So you said Duke had provided you cost
9 estimates of the different routes under
10 consideration?

11 A. In the Lummus Report, yes.

12 Q. Okay.

13 A. Referenced in the -- yes, they provided
14 cost estimates for -- as referenced in the -- for the
15 routes referenced in the Lummus Report.

16 Q. On page 8, line 18 of your testimony, you
17 reference several capital improvements -- improvement
18 projects are included in Duke's long-term forecast,
19 correct?

20 A. Yes.

21 Q. Can you identify the specific capital
22 improvement projects that you are referencing here in
23 your testimony?

24 A. Yeah. Those are the ones mentioned in
25 the Lummus Report; the western, eastern, and central

1 routes.

2 Q. Now, you understand that Duke hasn't
3 adopted all of those different options as part of its
4 long-term plan -- or as part of its long-term
5 forecast, correct?

6 A. Yes. They evaluated those options and
7 settled on and chose the Central Corridor Pipeline as
8 the -- as their -- as their proposal.

9 Q. Now, the several capital improvement
10 projects that you reference were in the Lummus
11 Report, correct?

12 A. Yes.

13 Q. And up until today, the Lummus Report was
14 confidential and was not accessible to the public,
15 correct?

16 A. Yeah. It's been confidential for a time,
17 and I am not sure when it was released.

18 Q. Sure. So is it fair to say then, the
19 specific capital improvement projects that you
20 reference in your testimony have not been publicly
21 disclosed to anyone other than those who have access
22 to that privileged information, confidential
23 information, excuse me?

24 A. You are describing confidentiality, yes.

25 Q. Is your answer yes?

1 A. Yes.

2 Q. Thank you.

3 Are you aware of any conversations that
4 Staff has had with Duke as to whether Duke will
5 intend to seek cost recovery from customers to fund
6 the construction of the several capital improvement
7 projects you reference in your testimony?

8 A. They haven't had discussions with Staff
9 that I'm aware of. I'll just mention, on page 29 of
10 the Application [verbatim], our conclusion that
11 nothing in this report should be construed as Staff's
12 pre-approval of cost recovery in any future rate
13 proceedings.

14 Q. Right. I understand that's the position
15 in the Amended Staff Report. I am just asking, are
16 you aware of any conversations that the Board --
17 excuse me, that Staff has had with Duke about cost
18 recovery with respect to the several capital
19 improvement projects referenced in your testimony?

20 A. I am not aware.

21 Q. Okay. Thanks.

22 Do you remember a brief discussion about
23 propane-intolerant customers with Mr. Yskamp?

24 A. Yes, I remember that.

25 Q. And you understand that there are certain

1 propane-intolerant customers that have to be notified
2 before Duke can turn on the propane-air peaking
3 plants, correct?

4 A. Yes.

5 Q. And that number is about six? Does that
6 sound about right?

7 A. That sounds about right.

8 Q. Okay. Now, I thought -- and I don't mean
9 to trick you here, I thought you had previously
10 testified you didn't know the number of customers who
11 were propane-intolerant. Is that just because you
12 didn't specifically know it was six? Is that fair to
13 say?

14 A. That's correct. And I -- I thought there
15 was a Data Request on this.

16 Q. Okay.

17 A. I thought six sounds about right.

18 Q. Okay. I don't mean to belabor that
19 point. Let me just ask you this, did Staff
20 consider -- step back.

21 The issue of propane-intolerant customers
22 was part of Staff's consideration of whether there
23 was need for this project, correct?

24 A. Yes.

25 Q. And so, did Staff consider the number of

1 propane-intolerant customers that would have to be
2 notified by Duke on its system before Staff rendered
3 its recommendation in the Amended Staff Report?

4 A. I kind of gave that a little less weight
5 because one of my Staff Data Requests said that these
6 propane facilities would be operated for a few years
7 after -- after the Central Corridor Pipeline is in
8 place, so it's -- it would be beneficial if the
9 propane-air peakers are offline or retired. It would
10 be beneficial to those customers because they would
11 no longer need to be curtailed.

12 But I -- it is a consideration and it
13 will eventually happen, they will be -- there -- the
14 propane facilities will be retired and they will no
15 longer need to be curtailed. But I kind of gave that
16 less weight because it was going to take some time
17 before the pipeline is installed and the peakers are
18 retired.

19 Q. So let's walk this step by step here.
20 The Staff had evaluated, at some point, whether there
21 was actual need for this project, correct?

22 A. Yes. Duke evaluated the need.

23 Q. And what I am trying to understand,
24 during that time, when Staff was evaluating is there
25 a need for this project, is there not a need for this

1 project, as part of that evaluation, part of that
2 study, did Staff consider how many propane-intolerant
3 customers are on the system as part of their trying
4 to figure out is there need here?

5 A. Yes, we did consider it. And I believe
6 either NOPE or I asked a Data Request on the number.
7 Yeah, we did consider it.

8 Q. And when you were informed at whatever
9 point that there were six or how many others, that
10 did not impact, at all, Staff's determination of
11 whether there would be need for this project?

12 A. The project is still needed. But -- but
13 expanding their customer base to kind of more firmly
14 service these curtailed customers kind of got -- I
15 gave it less weight, so if that makes sense.

16 Q. Understood.

17 Last question, Mr. Conway. I thought you
18 had said before that -- and I just want to clarify,
19 that the storage caverns at the Erlanger and East
20 Works facility had a history of some leaking. Was
21 that your testimony?

22 A. I will clarify that that was -- I believe
23 those were pipes leading from the storage facility
24 had leaks.

25 Q. So you would be unaware of any instance

1 in the past where either Erlanger or East Works had a
2 leak in the cavern itself, correct?

3 A. I am not aware of that.

4 MR. KEANEY: No further questions, your
5 Honor.

6 ALJ SEE: Mr. Pacheco.

7 MR. PACHECO: Nothing, your Honor. Thank
8 you.

9 ALJ SEE: Mr. Miller.

10 MR. MILLER: Yes, I have some questions,
11 your Honor.

12 - - -

13 CROSS-EXAMINATION

14 By Mr. Miller:

15 Q. Good afternoon, Mr. Conway. Could you
16 turn to the Staff Report on page 26, Staff Exhibit
17 No. 1. Let me know when you are there.

18 A. I'm on page 26.

19 Q. In the first full paragraph, the fifth
20 line down, the sentence starts "Staff agrees that
21 these propane-air plants and propane storage
22 facilities are now reaching the end of their useful
23 lives." Did I read that correctly?

24 A. Yes.

25 Q. And is that statement made as a result of

1 your portion of the Staff investigation of the
2 proposed -- or the Application?

3 A. Yes, I wrote that sentence.

4 Q. Okay. Could you turn to your testimony,
5 prefiled direct testimony on page 2, and let me know
6 when you are there.

7 A. I'm there.

8 Q. On line 16, it states that you inspected
9 the proposed project area on field visits on October
10 28, 2016; April 25, 2017; May 25, 2017; and March 1,
11 2019. Is that your testimony?

12 A. You read that correctly, yes. That's my
13 testimony.

14 Q. And when you visited the proposed project
15 area, is that necessarily one of the peaking plants
16 or could that be somewhere else that deals with the
17 project?

18 A. March 1 of -- of 2019, I specifically
19 visited the East Works facility propane peaker.

20 Q. Okay. Did you visit it on October 28,
21 2016?

22 A. No.

23 Q. How about April 25, 2017?

24 A. No.

25 Q. May 25, 2017?

1 A. I didn't.

2 Q. So the first -- your first visit to one
3 of the air peaking plant -- propane peaking plants
4 was on March 1, 2019.

5 A. Yes.

6 Q. Had you ever visited a propane -- I have
7 trouble with that, propane peaking plant prior to
8 March 1, not necessarily for this project but any?

9 A. No, I have not.

10 Q. Was the propane peaking plant operating
11 when you visited on March 1, 2019?

12 A. No. I believe it was at the ready.

13 Q. When you visited that plant, do you just
14 stop in or do you set an appointment, they know
15 you're coming?

16 A. I informed Duke a few days prior.

17 Q. And did they take you on a tour of the
18 facility?

19 A. Yeah. I did a tour and inspections.

20 Q. Okay. Did you do any investigation,
21 other than talking with Duke, as to the useful life
22 of a propane peaking plant?

23 A. Yes.

24 Q. And what did you do?

25 A. As mentioned, I looked at the Exeter

1 Report, the 2015 Exeter Report, which mentioned the
2 propane facilities. I looked -- the Lummus Report
3 mentions the propane facilities and their -- their
4 state. I spoke with a Staff member in our Pipeline
5 Safety Group and he mentioned that propane facilities
6 are being retired and that Vectren retired theirs in
7 2011, 2012 time frame. And then just various
8 questions and data requests to Duke Energy.

9 Q. Okay. So it sounds to me like the Lummus
10 Report and the Exeter Report, other than your
11 conversation with the Staff member, your information
12 came from the Duke sources or reports they had
13 prepared?

14 A. And I observed for myself on March 1,
15 2019, the state of one of the propane facilities.

16 Q. Okay. But the plant was not operating
17 then.

18 MR. BEELER: Asked and answered.

19 ALJ SEE: It has been.

20 Q. I will withdraw that.

21 Was there any indication from Duke, when
22 you visited the plant on March 1, 2019, that it was
23 not operable?

24 A. I think I asked -- or I observed many
25 risks and I think I've outlined those earlier in a

1 question by Mr. Yskamp.

2 Q. Okay. But I think your testimony was it
3 was ready to go.

4 A. Yeah. It wasn't injecting on that date
5 but, yes, there were folks there and it was just
6 waiting for -- it was temperature-dependent when it
7 would be called up for pressure.

8 MR. MILLER: Okay. Thank you. I have
9 nothing further.

10 ALJ SEE: Any redirect, Mr. Beeler?

11 MR. BEELER: A moment? May we have a
12 moment?

13 ALJ SEE: Yes.

14 Let's go off the record.

15 (Discussion off the record.)

16 ALJ SEE: Let's go back on the record.

17 MR. BEELER: No redirect.

18 ALJ SEE: Thank you.

19 MR. BEELER: At this time, Staff would
20 move for the admission of Staff Exhibit 9.

21 ALJ SEE: Are there any objections to the
22 admission of Staff Exhibit 9?

23 Hearing none, Staff Exhibit 9 is admitted
24 into the record.

25 (EXHIBIT ADMITTED INTO EVIDENCE.)

1 ALJ SEE: You may step down, Mr. Conway.

2 ALJ PARROT: Go ahead, Mr. Beeler.

3 MR. BEELEER: At this time, Staff would
4 call Tim Burgener to the stand.

5 (Witness sworn.)

6 ALJ PARROT: Please have a seat.

7 MR. BEELEER: May I approach, your Honor?

8 ALJ PARROT: You may.

9 (EXHIBIT MARKED FOR IDENTIFICATION.)

10 - - -

11 TIMOTHY BURGNER

12 being first duly sworn, as prescribed by law, was
13 examined and testified as follows:

14 DIRECT EXAMINATION

15 By Mr. Beeler:

16 Q. Please state your full name for the
17 record.

18 A. Timothy Burgener.

19 Q. And who do you work for and what is your
20 position?

21 A. I work for the Public Utilities
22 Commission of Ohio, and my position is Public
23 Utilities Administrator.

24 Q. Do you have in front of you what has been
25 marked as Staff Exhibit 10?

1 A. Yes.

2 Q. What is it?

3 A. It is my prefiled testimony.

4 Q. Is it prepared by you or under your
5 direction?

6 A. Yes.

7 Q. Do you have any changes?

8 A. I do not.

9 Q. Is this document true and accurate to the
10 best of your knowledge?

11 A. Yes.

12 Q. If I asked you these same questions
13 today, would your answers be the same?

14 A. Yes.

15 MR. BEELEER: Thank you.

16 At this time, your Honor, I move for the
17 admission of Staff Exhibit 10, subject to
18 cross-examination.

19 ALJ PARROT: Staff Exhibit 10 has been
20 marked.

21 Mr. Heslin?

22 MR. HESLIN: No, I don't, your Honor.

23 ALJ PARROT: Mr. Stevenson?

24 MR. STEVENSON: Thank you, your Honor.

25 - - -

CROSS-EXAMINATION

By Mr. Stevenson:

Q. Mr. Burgener, I want to refer you to your testimony on page 2, specifically paragraph 6. You indicated in that paragraph that you contributed to the section titled "Demographics, Land Use, Residential Structures, Land Use Plans and Regional Development, Aesthetics, and Route Selection"; is that correct?

A. Yes.

Q. And you also proposed Conditions 14, 15, 16, and 17; is that right?

A. Yes.

Q. With respect to these particular sections, they are all separate; is that a fair statement? They involve different considerations?

A. Yes.

Q. All right. And I am going to ask you to refer to page 3, line 12, which is -- looks like Statement No. 9. You indicate that you were asked specifically what you concluded with regard to the residential structures; is that correct?

A. Yes.

Q. And you indicated that you reviewed the data that was submitted by the Applicant in its

1 application and supplements, correct?

2 A. Correct.

3 Q. And you made a certain conclusion with
4 respect to the Alternate Route, that it has more
5 structures within 100 feet, while the Preferred Route
6 has more structures within 1,000 feet; is that a
7 correct statement also?

8 A. Correct.

9 Q. You also indicated that no residential
10 structures would be removed for the project; is that
11 right?

12 A. Yes.

13 Q. And I assume when you are talking about
14 removal, you mean that they would have to be seized
15 and torn down.

16 A. Correct.

17 Q. All right. With respect to the
18 residential structure portion of the Staff Report,
19 what data specifically did you review? Did you re --
20 you reviewed the Application, correct?

21 A. Correct.

22 Q. Did you review any of the Amended
23 Applications?

24 A. Correct.

25 Q. And the supplements that were provided to

1 the Applications?

2 A. Correct.

3 Q. Did you review any other documents with
4 respect to that specific section?

5 A. I reviewed electronic data that the
6 Applicant submitted.

7 Q. And what was -- what's the nature of the
8 electronic data that you are talking about?

9 A. It's geographically-referenced data that
10 can be loaded into a digital map software and used to
11 calculate distances or other analysis of geographic
12 information.

13 Q. All right. Do you have Staff Exhibit
14 No. 1 up there?

15 A. I do.

16 Q. And that's the Amended Staff Report?

17 A. Yes.

18 Q. Can you turn to page 33, please. Okay.
19 Do you see where the section that's the second full
20 paragraph titled "Residential Structures" is?

21 A. Yes.

22 Q. You -- you indicate in that particular
23 section that the Preferred Route has 115 residences
24 within 100 feet and 3,153 residences within 1,000
25 feet; is that correct?

1 A. Yes.

2 Q. And that's compared to 182 residences
3 within 100 feet and 2,186 residences within 1,000
4 feet for the Alternate Route; is that correct?

5 A. Yes.

6 Q. All right. And, again, this paragraph
7 goes further and says that construction is not
8 expected to require removal of any of the residences
9 or to cause any permanent impacts to the residential
10 or other structures; is that correct?

11 A. Yes.

12 Q. And the last portion of that sentence,
13 when you talk about permanent impacts to residential
14 or other structures, what is it you are referring to
15 there?

16 A. There would not need to be any
17 modification or removal of any structures for this
18 project.

19 Q. So somebody wouldn't have to tear down a
20 detached garage, for instance?

21 A. Correct.

22 Q. All right. And with respect to the
23 information that's in that paragraph, that's largely
24 unchanged with the exception of some adjustment of
25 the numbers from the original Staff Report that was

1 submitted on May 31, 2017; is that correct?

2 A. Yes.

3 Q. All right. Did you review any other
4 documents with respect to the residential structures
5 or any of the other issues that you dealt with that
6 referred to the impact specifically upon residences
7 on either the Preferred or Alternate Route?

8 A. Again, I reviewed some digital data
9 provided by the Applicant.

10 Q. And this would be the electric study you
11 previously referred to?

12 A. It's electronic data that's used in
13 mapping software.

14 Q. All right. Did you review any other
15 documents from Duke Energy that were prepared on
16 their behalf?

17 A. I reviewed responses to data requests,
18 additional supplemental studies that were provided
19 as -- through the course of the Application.

20 Q. Did you review the specific
21 constructability reviews?

22 A. I'm not sure what you are referring to
23 specifically.

24 Q. The ones that were prepared by Burns &
25 McDonnell for Duke Energy, did you review those?

1 A. I don't believe so.

2 MR. STEVENSON: All right. I have no
3 further questions.

4 ALJ PARROT: Mr. Yskamp?

5 MR. YSKAMP: Thank you, your Honor.

6 - - -

7 CROSS-EXAMINATION

8 By Mr. Yskamp:

9 Q. Can you please turn to page 2 of your
10 testimony. So starting on line 19, where the A is,
11 it states "I reviewed the most recent census data for
12 Hamilton County, and available population
13 projections. I confirmed that the population of the
14 county is expected to grow over the next 20 years."
15 Is that the same census data that's cited in the
16 Staff Report?

17 A. Yes.

18 Q. So could you please turn to page 30 of
19 the Staff Report. Underneath the chart, the very
20 first paragraph states "The U.S. Census Bureau
21 estimates that the population of Hamilton County
22 increased by 5,224 people from 2010 to 2015. The
23 ODSA projects that the population of the county will
24 decline through the year 2030, then increase in the
25 decade from 2030 to 2040." And you have a footnote

1 there, 29. So in that footnote, is that your source
2 for that data? Footnote 29?

3 A. Footnote 29 is the source for the Ohio
4 Development Services Agency projection which is, I
5 believe, the second of the two sentences that you
6 read.

7 Q. Right. So there is no footnote for the
8 first sentence, correct?

9 A. No. The first sentence refers to
10 information that's presented in the table above it
11 which has a footnote.

12 Q. So the second sentence, where you say the
13 ODSA projects that the population will decline
14 through 2030 and then increase from 2030 to 2040,
15 that's the Ohio County Profiles document at
16 Footnote 29, correct?

17 A. Correct.

18 Q. What is the -- so from 2015 is there a
19 net increase at the end of 2040 in projected
20 population?

21 A. I believe so, but I don't -- I don't
22 remember the details of that.

23 MR. YSKAMP: I am going to mark NOPE
24 Exhibit 20. NOPE Exhibit 20 is titled "Ohio County
25 Profiles" prepared by the Office of Research,

1 Hamilton County.

2 ALJ PARROT: So marked.

3 (EXHIBIT MARKED FOR IDENTIFICATION.)

4 Q. (By Mr. Yskamp) Have you seen this
5 document before?

6 A. Yes.

7 Q. Is this the document cited in the Staff
8 Report at Footnote 29?

9 A. I can't say what edition this is.
10 It's -- it's a similar document. The one that I'm
11 citing was the 2016 Annual Edition, and I don't see a
12 date for what edition this is.

13 Q. But you said you've seen this before?

14 A. I've seen a document that looks very
15 similar to this, yes.

16 Q. If you look at the population
17 information, is that consistent with the population
18 information that you reviewed down at the bottom
19 left-hand corner?

20 A. I can't -- I can't say that these numbers
21 are exactly the same as what I reviewed.

22 Q. So you're saying if I happened to have
23 copied and pasted your HTTP, I would not have gotten
24 this document?

25 MR. BEELER: Objection. I mean, at this

1 point we can't establish if this is the exact
2 document he is looking at, so it's failure to lay a
3 foundation.

4 ALJ PARROT: He's already answered the
5 question, Mr. Yskamp.

6 MR. YSKAMP: Thank you.

7 Q. Can you look at the estimated population
8 for 2017 on this document.

9 A. Yes.

10 Q. What does that say?

11 A. It says 2017, 813,822.

12 Q. And can you look at the projected
13 population in 2040?

14 A. 786,090.

15 Q. Is that a net increase or a net decrease?

16 A. A decrease.

17 Q. Do you have any reason to dispute the
18 numbers on this document?

19 A. No.

20 Q. In your comparison of land uses and the
21 residential structures, did you evaluate any pipeline
22 routes aside from the Preferred Route and the
23 Alternate Route?

24 A. No.

25 Q. In your comparison of residential

1 structures, did you calculate residential units?

2 A. No.

3 Q. In your comparison of residential
4 structures, did you calculate -- scratch that
5 question.

6 In your comparison of the routes, did you
7 calculate populations within 100 and 1,000 feet?

8 A. No.

9 Q. So is it fair to say, between the
10 Preferred and Alternate Route, you can't say which
11 route has a greater population within either 100 or
12 1,000 feet?

13 A. Yes.

14 MR. YSKAMP: Thank you. That's all I
15 have.

16 ALJ PARROT: Mr. Fox?

17 MR. FOX: Nothing, your Honor.

18 ALJ PARROT: Mr. Pacheco?

19 MR. PACHECO: Nothing, your Honor.

20 ALJ PARROT: Mr. Keaney?

21 MR. KEANEY: Yes, your Honor.

22 - - -

23 CROSS-EXAMINATION

24 By Mr. Keaney:

25 Q. I want to follow up just on a few

1 questions that Mr. Yskamp raised. On page 2 of your
2 testimony, beginning on line 19, let me know when you
3 are there.

4 A. I'm there.

5 Q. You indicate that you had reviewed the
6 most recent census data for Hamilton County, correct?

7 A. Correct.

8 Q. When did you undertake this review of the
9 most recent census data for Hamilton County?

10 A. I can't say exactly. It was probably
11 shortly after the Amended Application was filed.

12 Q. So that would have been in 2017
13 sometime --

14 A. Right.

15 Q. I would assume? You have the Amended
16 Staff Report in front of you which is Staff Exhibit
17 1?

18 A. Yes.

19 Q. On page 30 of that Amended Staff Report,
20 Footnotes 25 and 26 refer to U.S. Census Bureau data
21 from 2010 to 2015, correct?

22 A. Correct.

23 Q. And it appears that you indicate here in
24 Footnote No. 25, it was last accessed February 24,
25 2017; is that right?

1 A. Correct.

2 Q. Does that sound about the time that you
3 most recently reviewed this data?

4 A. Yes.

5 Q. Okay. The original Staff Report was
6 filed on May 31, 2017, correct?

7 A. Without it in front of me, I can't
8 confirm that.

9 Q. If you could turn to the cover page of
10 the Amended Staff Report.

11 A. Okay.

12 Q. Let me see if you see the date on there,
13 please.

14 A. Yes.

15 Q. So May 31, 2017?

16 A. Correct.

17 Q. Okay. And the Amended Staff Report then
18 was filed almost, but not quite, two years later on
19 March 5, 2019, correct?

20 A. Correct.

21 Q. On page 2, back to your testimony, and I
22 am going to start on line 20, let me know when you
23 are there.

24 A. Yes. I'm there.

25 Q. You say that you confirmed that the

1 population of the county is expected to grow over the
2 next 20 years, correct?

3 A. Correct.

4 Q. And you are referencing Hamilton County
5 there, correct?

6 A. Correct.

7 Q. Can you specifically identify the data
8 source that you are relying on in support of that
9 statement?

10 A. I believe that would be the Ohio
11 Development Services Agency county profile for
12 Hamilton County.

13 Q. Would that have been the source -- the
14 data source identified in Footnote No. 29 of the
15 Amended Staff Report?

16 A. Correct.

17 Q. Okay. And Footnote No. 29 on page 30 of
18 the Amended Staff Report is a population projection
19 from the Ohio Development Services Agency Office of
20 Research, correct?

21 A. Correct.

22 Q. Would you agree that that is a source
23 that is accurate and reliable?

24 A. Yes.

25 Q. And would you agree that it's a source

1 that would be capable of accurate and ready
2 determination?

3 A. Yes.

4 Q. Are you aware that the ODSA has updated
5 its data since 2016?

6 A. I am not sure on what schedule they
7 update, but I would guess that they would, yes.

8 Q. Okay.

9 MR. KEANEY: Your Honor, I would like to
10 mark for identification, City/County Exhibit No. 44.
11 May I approach?

12 ALJ PARROT: You may.

13 Q. (By Mr. Keaney) If you could just take a
14 moment and look at what's been marked as City/County
15 Exhibit No. 44 and let me know when you are ready.

16 ALJ PARROT: Mr. Keaney, if you could
17 just note what the document is.

18 MR. KEANEY: I'm sorry. Thank you, your
19 Honor. This document is the Ohio Development
20 Services Agency, Population Projections, County
21 Totals, dated April 2018.

22 ALJ PARROT: Marked as City/County
23 Exhibit 44. Thank you.

24 (EXHIBIT MARKED FOR IDENTIFICATION.)

25 A. I'm ready.

1 Q. And what is City/County Exhibit 44?

2 A. The Ohio Development Services Agency,
3 Population Projections, County Totals.

4 Q. Do you see a date on the document?

5 A. April 2018.

6 MR. KEANEY: Your Honor, I request the
7 Board take administrative notice of the 2018 ODSA
8 Population Projection, marked as City/County Exhibit
9 No. 44. And in support of that, your Honor, Rule 201
10 of the Ohio Rules of Evidence sets the standard for
11 judicial notice, which is also the same standard for
12 administrative notice, and a judicially-noticed or
13 administratively-noticed fact must be one not subject
14 to reasonable dispute in that either -- in that it is
15 either, one, generally known within the territorial
16 jurisdiction of the trial court or, two, capable of
17 accurate and ready determination by resort -- to
18 sources whose accuracy cannot be reasonably
19 questioned.

20 The witness has already identified that
21 the ODSA, Office of Research, Population Projection
22 Reports are accurate and reliable and that they are a
23 source capable of accurate and ready determination.

24 ALJ PARROT: Mr. Heslin?

25 MR. HESLIN: Your Honor, if Hamilton

1 County and City of Cincinnati want to rely on
2 evidence demonstrating that no growth projections
3 with this document, I have no objection.

4 ALJ PARROT: Mr. Beeler?

5 MR. BEELEER: No objection.

6 ALJ PARROT: Any other parties wish to
7 weigh in?

8 The Bench will take administrative notice
9 of the document marked City/County Exhibit 44.

10 Q. (By Mr. Keaney) Now, if you could look at
11 Exhibit -- City/County Exhibit No. 44 and find the
12 population projection for Hamilton County in the year
13 2020.

14 A. Okay.

15 Q. And according to the U.S -- according to
16 the ODSA, in 2020, the population of Hamilton County
17 is projected to be 790,600, correct?

18 A. Correct.

19 Q. By 2040, the ODSA projected the
20 population of Hamilton County to be 786,090, correct?

21 A. Correct.

22 Q. So according to the more-recent ODSA
23 population projection from April 2018, Hamilton
24 County is expected to decrease in population over the
25 next 20 years, correct?

1 A. Correct.

2 Q. Now, page 30 of the Amended Staff Report
3 also notes "The ODSA projects that the population of
4 the county will decline through the year 2030, then
5 increase in the decade from 2030 to 2040," correct?

6 A. Correct.

7 Q. Now, according to City/County Exhibit
8 No. 44, ODSA's latest projection, Hamilton County is
9 projected to have a population of 785,900 in 2030,
10 correct?

11 A. Correct.

12 Q. And by 2040, ODSA projects Hamilton
13 County will have a population of 786,090, correct?

14 A. Correct.

15 Q. So the ODSA is projecting a total
16 population increase of 190 people over the decade
17 between 2030 and 2040, correct?

18 A. Correct.

19 Q. Are you aware of what percentage 190
20 people is out of 787,000?

21 A. Not off the top of my head.

22 Q. Would it surprise you if it was a .02
23 percent increase?

24 A. No.

25 Q. As part of your review, did you perform

1 any natural gas demand analysis -- excuse me. Did
2 you perform any natural gas market demand analysis
3 for Hamilton County?

4 A. No.

5 Q. As part of your review, did you examine
6 publicly-available data from the United States Energy
7 Information Administration such as data from Form EIA
8 176?

9 A. No.

10 Q. As part of your review, did you consider
11 population forecasts prepared by the Ohio, Kentucky,
12 Indiana Metropolitan Planning Organization?

13 A. No.

14 Q. Did you review the Urban Institute's
15 population forecasting model for the Greater
16 Cincinnati region?

17 A. No.

18 Q. I am going to refer back to your
19 testimony now on page 3, beginning at line 12.
20 Please let me know when you are there.

21 A. Okay.

22 Q. Here in your testimony you discuss the
23 proximity of the Alternate and Preferred Route to
24 residential structures, correct?

25 A. Correct.

1 Q. From the data you've reviewed, how many
2 residential properties does the Preferred Route
3 cross?

4 A. I don't have that number right in front
5 of me.

6 Q. Would it be included in the Amended Staff
7 Report?

8 A. I am not certain.

9 Q. In your testimony you do testify about
10 the proximity of residential structures to the
11 Alternate Route and Preferred Route, correct?

12 A. Correct.

13 Q. And is it your testimony you have no idea
14 how many residential properties the Preferred Route
15 crosses?

16 A. I don't know that number off the top of
17 my head.

18 Q. Would it be in the Staff Report?

19 A. I'm not sure.

20 Q. Do you need time to review the Staff
21 Report to identify where that is, if it's anywhere?

22 A. I can do that.

23 Q. Thank you.

24 A. I don't see a specific number of
25 residential properties crossed in the Staff Report.

1 Q. Would the same answer be true if I asked
2 you for the Alternate Route?

3 A. Correct.

4 Q. Forget the number. It does cross
5 through -- let's start over. The Preferred Route
6 crosses through some number of residential
7 properties, correct?

8 A. Correct.

9 Q. And the Alternate Route would also cross
10 through some number of residential properties,
11 correct?

12 A. Correct.

13 Q. Do you have City/County Exhibit No. 1 in
14 front of you? It looks like a leaflet with the Title
15 2000 -- sorry, Central Corridor Pipeline Extension
16 Project. It's Duke Energy, dated December of 2018.
17 I can hand you my copy if that would be easier.

18 A. Sure.

19 Q. After you have a chance to review both
20 sides, please let me know when you are ready.

21 A. Okay.

22 Q. On the side of City/County Exhibit No. 1
23 where it has the title "Central Corridor Pipeline"
24 and it's got the date in the right-hand corner
25 December 2018, do you see that side?

1 A. Yes.

2 Q. Now, I want you to go to the bottom
3 left-hand corner of City/County Exhibit No. 1, and do
4 you see the sentence where Duke states "In fact,
5 there are no residential properties crossed along the
6 Alternate Route"?

7 A. Yes.

8 Q. Based on your understanding and review of
9 the Amended Application in this case and the work
10 performed in the Amended Staff Report, do you agree
11 with that statement?

12 A. No.

13 Q. Can I refer you to -- I'm sorry. Were
14 you going to say anything? Okay. Can I refer you
15 back to the Amended Staff Report on page 30.

16 A. Yes.

17 Q. Now, you discuss land use in --
18 underneath the Demographics section, correct?

19 A. Yes.

20 Q. And in examining land use, you compared
21 the Preferred Route to the Alternate Route and vice
22 versa, correct?

23 A. Correct.

24 Q. You did not compare either the Preferred
25 or Alternate Route to routes to the east or routes to

1 the west of the Preferred or Alternate Routes,
2 correct?

3 A. Correct.

4 Q. And on page 4 of your testimony,
5 beginning on line 16, let me know when you are there,
6 page 4 of your testimony, beginning line 16.

7 A. Okay.

8 Q. You state that Duke "investigated all
9 practicable routes," correct?

10 A. Correct.

11 Q. Now, Duke only investigated routes
12 beginning at the WW Feed Station and ending along
13 Line V, correct?

14 A. Correct.

15 Q. Can I ask you to turn to page 28 of the
16 Amended Staff Report. That's page 28.

17 A. Okay.

18 Q. And I believe you -- Mr. Yskamp pre --
19 previously touched on an issue, but I want to more
20 fully explore it.

21 In the last paragraph on page 28, I want
22 to ask you about the first sentence in that final
23 paragraph on page 28 which reads "The Applicant found
24 that the western options did not allow for retirement
25 of the propane-air peaking plants or improve

1 reliability in the central core area." Did I read
2 that correctly?

3 A. Yes.

4 Q. Are you responsible for making that
5 statement?

6 A. No.

7 Q. Okay. Who would be?

8 A. I believe it would be Andrew Conway as
9 part of the need section, but I can't speak
10 specifically to that sentence.

11 Q. Fair enough. Would you know who told
12 Staff that, who from Duke specifically told Staff
13 that?

14 A. I wouldn't know.

15 Q. Okay. And you wouldn't know the basis of
16 that claim then; is that fair to say?

17 A. I wouldn't.

18 Q. Do you know that now -- do you understand
19 now that that is not an accurate statement?

20 A. I don't really understand anything about
21 that statement.

22 MR. KEANEY: Fair enough.

23 Your Honor, I don't have any more
24 questions. Thank you.

25 ALJ PARROT: Mr. Miller?

1 MR. MILLER: No, your Honor. No
2 questions.

3 ALJ PARROT: Any redirect?

4 MR. BEELER: A quick moment?

5 (Pause in proceedings.)

6 ALJ PARROT: Mr. Beeler.

7 MR. BEELER: No redirect, your Honor. At
8 this point, Staff would move for the admission of
9 Staff Exhibit 10.

10 ALJ PARROT: Are there any objections to
11 the admission of Staff Exhibit 10?

12 Hearing none, it is admitted.

13 (EXHIBIT ADMITTED INTO EVIDENCE.)

14 ALJ PARROT: Thank you very much.

15 THE WITNESS: Thank you.

16 ALJ PARROT: Mr. Yskamp, did you intend
17 to move your exhibit?

18 MR. YSKAMP: Yeah. I would move for the
19 admission of NOPE Exhibit 20.

20 ALJ PARROT: Are there any objections?

21 MR. BEELER: I would just renew my
22 objection that we don't know the date of the
23 document.

24 MR. YSKAMP: It's a public document from
25 a public source, and the witness stated he had seen

1 the information in the document before.

2 ALJ PARROT: Mr. Keaney, I assumed you
3 were going to move for the City/County Exhibit 44; is
4 that correct?

5 MR. KEANEY: That is correct.

6 ALJ PARROT: Is there any objections to
7 that document?

8 MR. BEELEER: No objection.

9 ALJ PARROT: With that, I am going to
10 admit City/County Exhibit 44. I'm sorry. We did
11 take administrative notice.

12 MR. KEANEY: Thank you.

13 ALJ PARROT: And with that, I think that
14 basically covers the cross that you did do with
15 respect to NOPE Exhibit 20, so I am going to -- given
16 that we don't know the date of the document and the
17 witness testified that he wasn't sure he had seen
18 this exact data, I am going to deny your request,
19 Mr. Yskamp.

20 ALJ SEE: Staff.

21 MR. BEELEER: Staff would call Matthew
22 Butler.

23 (Witness sworn.)

24 ALJ SEE: Thank you.

25 MR. BEELEER: May I approach, your Honor?

1 ALJ SEE: Yes.

2 (EXHIBIT MARKED FOR IDENTIFICATION.)

3 - - -

4 MATTHEW BUTLER

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

7 DIRECT EXAMINATION

8 By Mr. Beeler:

9 Q. Please state your full name for the
10 record.

11 A. Matthew Butler.

12 Q. Who do you work for and what is your
13 position?

14 A. I am employed by the Public Utilities
15 Commission of Ohio as an Administrative Officer in
16 the Rates and Analysis Department.

17 Q. Do you have in front of you what has been
18 marked as Staff Exhibit 11?

19 A. Yes.

20 Q. What is it?

21 A. It's my prefilled testimony.

22 Q. Was it prepared by you or under your
23 direction?

24 A. Yes.

25 Q. Do you have any changes to that

1 testimony?

2 A. I do not.

3 Q. Is the document true and accurate to the
4 best of your knowledge?

5 A. Yes.

6 Q. If I asked you these same questions
7 today, would your answers be the same?

8 A. Yes.

9 MR. BEELER: At this time, your Honor, I
10 would move for admission of Staff Exhibit 11, subject
11 to cross.

12 ALJ SEE: Okay. Mr. Keaney?

13 MR. KEANEY: Just a few questions, your
14 Honor.

15 ALJ SEE: Go ahead.

16 - - -

17 CROSS-EXAMINATION

18 By Mr. Keaney:

19 Q. Good afternoon, Mr. Butler.

20 A. Good afternoon.

21 Q. Do you have a copy of Staff Exhibit 1 in
22 front of you which is the Amended Staff Report?

23 A. I do.

24 Q. Okay. Now, you are assigned to work on
25 Power Siting issues in a public affairs capacity,

1 correct?

2 A. That's correct.

3 Q. And part of your role is to docket and
4 respond to questions and comments that are received
5 from the public, correct?

6 A. That's correct.

7 Q. In terms of the Amended Staff Report, you
8 had prepared a section titled "Public Interaction and
9 Participation," correct?

10 A. Correct.

11 Q. And that would be found on page 55 of the
12 Amended Staff Report, correct?

13 A. Correct.

14 Q. And in that section of the Amended Staff
15 Report, you describe four public informational
16 meetings for the project, correct?

17 A. Yes.

18 Q. Did you personally attend all four public
19 informational meetings?

20 A. I attended two of the four. I attended
21 June 15, 2016, and January 26, 2017.

22 Q. Okay. For those two meetings that you
23 personally attended, how would you describe the
24 public's feeling toward the proposed pipeline?

25 A. I would say that the -- from the folks

1 that I spoke with at the meeting, that the general
2 consensus was people were opposed to the pipeline.

3 Q. And based on your observations on
4 those -- just the times that you had personally
5 attended, did most attendees voice or otherwise
6 communicate to you, or to Duke, opposition to the
7 proposed pipeline?

8 A. I can only speak for myself, but yes.

9 Q. Can you give me kind of a ballpark
10 estimate percentage-wise based just on your
11 experience, I am not holding you to a specific
12 percentage, are we talking 50 to 60 percent? 60 to
13 70?

14 A. I think I would stay consistent with what
15 I said about the public comments, just that comments
16 received have been overwhelmingly negative or
17 opposed.

18 Q. Okay. And does that mean you are not
19 prepared to sort of define for me what -- let me step
20 back.

21 One of the reasons I am asking is we have
22 been using this term "overwhelmingly opposed" and I
23 think some people have different conceptions of what
24 that means, so I am just trying to get a sense in
25 your mind when you use the words "overwhelmingly

1 opposed," what does that mean to you?

2 A. To put it in perspective, I guess I can
3 tell you that of the comments received by the Board
4 in writing, I'm aware of approximately 15 that have
5 been in support of the project.

6 Q. Out of how many?

7 A. Out of hundreds.

8 Q. Okay. At the two public informational
9 meetings you were at, did any attendees express to
10 you support for the proposed pipeline other than Duke
11 representatives?

12 A. None that I can recall.

13 Q. On page 56 of the Amended Staff Report.

14 A. Yes.

15 Q. You describe -- I am looking at the last
16 paragraph on page 56.

17 A. Sure.

18 Q. You describe how, as of February 26,
19 2019, 1,534 document records have been filed in the
20 public comments of the case record for this
21 proceeding. Did I read that correctly?

22 A. That's correct.

23 Q. And then on the next page, page 57, is
24 where you used the term public comments received were
25 "overwhelmingly opposed to the proposed pipeline"; is

1 that right?

2 A. That's correct.

3 Q. Okay. Now, before you had said there
4 were hundreds of comments. I just want to make sure.
5 Here, it mentioned 1,534 document records. Perhaps
6 could you clarify to me what the difference between a
7 document record and what a comment might be?

8 A. Sure. And I think I do explain it in the
9 paragraph there, but the way our docketing division
10 handles comments is they will often group them as
11 they are received by a calendar day, so that one
12 filing may have 1 comment, one filing may have 25
13 comments.

14 Q. So when you say "one filing," is that
15 another word for document record, one document
16 record?

17 A. Yes, one document record. Now, within
18 that there are also duplicate records because you
19 have oftentimes people will send their comments to
20 all the Board members. So we have circumstances like
21 that.

22 Q. So one person could file many comments,
23 correct?

24 A. Correct. And they have.

25 Q. And I just wanted to clarify, so there

1 were hundreds of comments filed. When you use that
2 term, are you saying hundreds of people filed
3 comments overall; is that fair to say?

4 A. I think that's fair to say.

5 Q. And you wouldn't put that over a
6 thousand; is that correct?

7 A. I don't know that I would speculate on
8 that.

9 Q. Since the Amended Staff Report and
10 including up to today, additional public comments
11 have been filed in the docket, correct?

12 A. Correct.

13 Q. Do you know how many, again since the
14 Amended Staff Report, have been filed? Do you know
15 how many have been filed?

16 A. As of this morning, there were 15 --
17 well, 1,570 document records. That was as of this
18 morning, and I did respond to a few additionally
19 today that haven't hit the case record, so that
20 number would be a little bit higher by the end of the
21 day.

22 Q. And is it fair to say the majority of the
23 public comments, just that you've read after the
24 filing of the Staff Report, were opposed to the
25 proposed pipeline project?

1 A. That's fair to say.

2 Q. Is it fair to say that as you -- as you
3 define the term, is it fair to say the overwhelming
4 majority of the comments, filed after the Amended
5 Staff Report, are opposed to the project?

6 A. Yes.

7 Q. Just one final comment, Mr. Butler, and
8 that would be: Based on your experience, if members
9 of the public, impacted by a siting project, do not
10 file comments in the docket concerning a proposed
11 project requiring Board approval, does Staff assume
12 that the people who did not file comments support the
13 project?

14 A. No.

15 MR. KEANEY: No more questions, your
16 Honor.

17 ALJ SEE: Mr. Heslin?

18 MR. HESLIN: Not for the Company, your
19 Honor.

20 ALJ SEE: Mr. Fox?

21 MR. FOX: Nothing, your Honor.

22 ALJ SEE: Mr. Yskamp?

23 MR. YSKAMP: I just have a few follow-up
24 questions.

25 - - -

CROSS-EXAMINATION

By Mr. Yskamp:

Q. So I think you testified that, to date, 1,570 document records have been filed with the -- with the Board?

A. Correct.

Q. Do you know how many actual comments have been filed?

A. I do not.

Q. So do you know -- you mentioned some people filed more than one comment. Do you know exactly how many people have filed comments?

A. I do not.

Q. Could you please turn to page 57 of the Staff Report?

A. Got it right here.

Q. So under "Conclusion" in the second paragraph.

A. Uh-huh.

Q. Second sentence states "The comments received from members of the public and local officials served to inform the Staff throughout the course of its investigation." Did I read that correctly?

A. That's what it says.

1 Q. How did those comments serve to inform
2 the Staff?

3 A. I think if you look further up that page,
4 you'll see in the previous paragraph I think where it
5 says "Staff has reviewed" -- I'm sorry. Let me find
6 it here. That's actually the following sentence.
7 Many of the potential impacts and concerns raised in
8 these comments, including those regarding safety,
9 need, route selection, are addressed in various
10 sections of this report, and then further minimized
11 and mitigated by the recommended conditions of the
12 certificate.

13 Q. Is that -- is that your whole answer
14 around how those comments inform Staff?

15 A. Yes.

16 Q. And you said comments have continued to
17 come in, since the Staff Report was filed, correct?

18 A. That's correct.

19 Q. And you said those comments continue to
20 be overwhelmingly opposed to the project?

21 A. Correct.

22 Q. So is it fair to say the Staff Report did
23 not address many of those public concerns?

24 A. I don't believe that's accurate.

25 Q. So you -- do you feel that the public is

1 just misinformed?

2 A. I think there is a difference between
3 concerns expressed by members of the public and the
4 overall public.

5 Q. So let me back up here a second. You
6 said that people who don't file comments, you don't
7 consider that in support of the project.

8 A. That's correct.

9 Q. Okay. So just maybe just elaborate on
10 what you mean by what you just said about concerns
11 filed by the public don't amount to concerns from the
12 public.

13 A. I'm saying that concerns from a subset of
14 the public don't reflect the public at large, so just
15 as the -- I can't assume that the comments
16 received -- the comments that were not received from
17 certain members of the public would -- I can
18 interpret those one way or the another. I also
19 cannot assume that only because I heard from people
20 who were opposed that there is no one out there who
21 is not supportive of the project.

22 Q. Is it your opinion that the impacted
23 communities support the project?

24 A. I would say that the fact that a number
25 of the communities along the two routes have

1 intervened in the process, I would say that they have
2 concerns about the project. I would let them speak
3 for themselves though.

4 Q. And they have in the -- in the -- in this
5 case, and the public has in the public comments,
6 correct?

7 A. Yes.

8 Q. But -- so are you saying that you feel
9 that the Staff Report addressed the concerns of the
10 public?

11 A. I am saying that, in general, the Staff
12 Report goes to lengths through the conditions to
13 mitigate the concerns, not only those raised by
14 members of the public but also raised by members of
15 the communities and that those communities are
16 further participating in our process by way of this
17 adjudicatory hearing and the Board's process.

18 Q. Will the comments that continue to be
19 filed continue to inform the Staff?

20 A. Well, the Staff Report of Investigation
21 is complete. The adjudicatory is ongoing. So I'm
22 not sure that there would be any further documents
23 coming from the Staff with regard to that, but
24 certainly the Board also can view the public comments
25 on our website and the Board has the two transcripts

1 from the local public hearings that were held by the
2 Board.

3 Q. And the Board can consider all of -- all
4 of those comments in that testimony in their
5 decision?

6 A. That's my understanding.

7 MR. YSKAMP: Thank you. That's all I
8 have.

9 ALJ SEE: Mr. Stevenson?

10 MR. STEVENSON: I don't have any
11 questions for Mr. Butler. Thank you.

12 ALJ SEE: Mr. Arnzen?

13 MR. ARNZEN: Yes, thank you.

14 - - -

15 CROSS-EXAMINATION

16 By Mr. Arnzen:

17 Q. You talked about the individuals who had
18 filed oppositions, or you spoke to, about this
19 project, right?

20 A. Yes.

21 Q. A number of government officials from the
22 municipalities that this pipeline impacts, also told
23 you they opposed the project, right?

24 A. That's correct. We received
25 correspondence from a number of the communities on

1 their own.

2 Q. And the government officials that told
3 you that, were telling you that as head of the city
4 or village or municipality, right?

5 A. I'm not sure in every case it was the
6 official of the municipality, but whoever the
7 official was, was communicating on their behalf.

8 Q. Right. They were speaking on behalf of
9 the community, right?

10 A. Correct, correct.

11 MR. ARNZEN: Thank you. I don't have any
12 other questions.

13 ALJ SEE: Mr. Miller?

14 MR. MILLER: I have no questions, your
15 Honor.

16 ALJ SEE: Mr. Beeler, any redirect?

17 MR. BEELEER: No redirect, your Honor. At
18 this time, Staff would move for the admission of
19 Staff Exhibit 11.

20 ALJ SEE: Are there any objections to the
21 admission of Staff Exhibit 11?

22 Hearing none, Staff Exhibit 11 is
23 admitted into the record.

24 (EXHIBIT ADMITTED INTO EVIDENCE.)

25 ALJ PARROT: You may step down,

1 Mr. Butler.

2 Mr. Eubanks

3 MR. EUBANKS: Yes. The Staff would like
4 to call to the stand, Peter Chace.

5 (Witness sworn.)

6 ALJ PARROT: Have a seat.

7 MR. EUBANKS: Your Honors, may I
8 approach?

9 ALJ PARROT: You may.

10 MR. EUBANKS: I would like to have the
11 document marked as Staff Exhibit 12.

12 ALJ PARROT: Mr. Chace's prefiled
13 testimony has been marked Staff Exhibit 12.

14 (EXHIBIT MARKED FOR IDENTIFICATION.)

15 - - -

16 PETER A. CHACE

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

19 DIRECT EXAMINATION

20 By Mr. Eubanks:

21 Q. Could you state your name and spell it
22 for the record, please.

23 A. My name is Peter Chace. The last name is
24 spelled C-h-a-c-e.

25 Q. Your duties and position?

1 A. I am the Gas Pipeline Safety Program
2 Manager at the Public Utilities Commission of Ohio.

3 Q. Do you have before you what has been
4 marked Staff's Exhibit 12?

5 A. Yes, I do.

6 Q. Could you identify it.

7 A. It is my prefiled Staff Report --
8 prefiled testimony. Excuse me.

9 Q. Was it prepared by you or under your
10 direction?

11 A. Yes.

12 Q. Is it a true and accurate copy?

13 A. Yes, it is.

14 Q. Are there any corrections that you would
15 like to make to it?

16 A. No.

17 Q. If I were to ask you the same questions,
18 would you give the same answers?

19 A. Yes.

20 MR. EUBANKS: I would like to have this
21 Staff's Exhibit 12 moved into evidence, subject to
22 cross, and I have no more questions.

23 ALJ PARROT: Thank you.

24 Mr. D'Ascenzo?

25 MR. D'ASCENZO: No questions, your Honor.

1 ALJ PARROT: Mr. Stevenson?

2 MR. STEVENSON: No questions, your Honor.

3 ALJ PARROT: Mr. Yskamp?

4 MR. YSKAMP: Thank you, your Honor.

5 - - -

6 CROSS-EXAMINATION

7 By Mr. Yskamp:

8 Q. Good afternoon, Mr. Chace. Do you
9 have -- do you see in front of you the Safety
10 Performance and Integrity of the Natural Gas
11 Distribution Infrastructure document?

12 A. No.

13 MR. YSKAMP: May I approach, your Honor?

14 ALJ PARROT: You may.

15 MR. EUBANKS: What exhibit number is
16 that, please?

17 MR. YSKAMP: It is NOPE Exhibit 13.

18 Q. Mr. Chace, do you recognize this
19 document?

20 A. No.

21 Q. You've never seen this before?

22 A. Not to my recollection, no.

23 Q. Okay. I just have a quick question about
24 it for you. If you could turn to page 3-5 in the
25 document and it's --

1 MR. EUBANKS: I object. He is being
2 asked a question about a document he has never
3 reviewed.

4 MR. YSKAMP: It is admitted into
5 evidence, and I can ask him a question about it.

6 ALJ PARROT: Let's see what your question
7 is first, Mr. Yskamp.

8 MR. YSKAMP: Okay.

9 Q. (By Mr. Yskamp) Are you on page 3-5?

10 A. Yes, I am.

11 Q. I just want to direct your attention to
12 the first paragraph past the second bullet point on
13 the page. And the second sentence of that paragraph
14 starting with "Distribution pipelines." Do you
15 follow me?

16 A. Yes, I do.

17 Q. It states "Distribution pipelines
18 typically operate at pressures ranging from .25 psi,
19 with gas delivered directly to customers without any
20 additional reduction in pressure, to 60 psi with
21 relatively few distribution pipelines operating at
22 higher pressures (high pressure distribution
23 pipelines) of up to 400 psi." Do you agree with that
24 statement?

25 A. Yes.

1 Q. If you could turn to your testimony on
2 page 7. And make sure I have the line right. So
3 page 7, line 20, you state that "While this pressure
4 is high compared to pipelines delivering gas directly
5 to residential customers, it is not uncommon for the
6 pipelines to operate at this pressure or higher."

7 A. Yes.

8 Q. Did you see that? I'm sorry.

9 A. Yes.

10 Q. Is it fair to say that a distribution
11 pipeline with a maximum operating pressure of 500 psi
12 is unusual?

13 A. For a distribution line, yes.

14 Q. So, Mr. Chace, it is your opinion that
15 the pipeline is -- is a transmission line, correct?

16 A. No. It meets the definition of a
17 distribution line.

18 Q. I didn't mean to trick you. I meant to
19 say distribution line. I apologize. It would have
20 been great, though, if you would have just said yes
21 there.

22 But you would agree that the pipeline
23 does have some characteristics that are similar to
24 transmission lines?

25 A. Its pressure is high for a distribution

1 line, but it does meet the distribution definition.

2 Q. And it doesn't have -- it's not proposed
3 to have service lines, correct?

4 A. I don't believe so, no.

5 Q. So to your understanding, does the
6 proposed pipeline -- so do you understand -- do you
7 understand that the project is to be titled the C314V
8 Central Corridor Pipeline Extension Project?

9 A. Yes.

10 Q. What is it -- what's being extended?

11 A. Pipeline service from one part of Duke's
12 territory to another.

13 Q. So is it your understanding that the
14 C314V Central Corridor Pipeline would start at WW
15 Station?

16 A. That sounds familiar, yes.

17 Q. Okay. And that's a pressure-reduction
18 station?

19 A. Yes.

20 Q. And it takes gas from Line C314, correct?

21 A. I'll take your word for it.

22 Q. Do you know if that's true?

23 A. I don't recall, but it seems likely
24 because it's called the C314 extension.

25 Q. Right. Do you know if Line C314 is a

1 transmission line?

2 A. I believe there are parts of it that are
3 transmission, parts that are not.

4 Q. You think -- so you believe there are
5 parts of C314 that are not transmission?

6 A. Maybe.

7 Q. Okay. Do you -- do you know -- so is it
8 correct that the C314V pipeline would connect to
9 Line V?

10 A. I can't -- quite frankly I don't recall.
11 It's entirely possible.

12 Q. If, hypothetically, the pipeline were to
13 connect from one transmission pipeline to another
14 transmission pipeline, would -- would you still
15 believe that it's a distribution pipeline?

16 A. Well, you would have to go to the
17 distribution pipeline definition of the Pipeline
18 Safety Regulations, excuse me, and the transmission
19 definition. The transmission pipeline definition has
20 three parts. If you don't meet any of those parts,
21 you are a distribution line, unless you are another
22 category referred to as a gathering line, which is
23 further up from the production stream for us here.

24 This particular line, if you look at the
25 transmission definition, it doesn't meet any of the

1 three parts of the transmission definition.

2 Q. Is it fair to say -- so it's a 19 percent
3 hoop stress; is that correct?

4 A. Yes.

5 Q. So it's 1 percent below the 20 percent.

6 A. That's right.

7 Q. Is it fair to say then the -- your
8 opinion hinges on the term "distribution center" in
9 the regulations?

10 A. That's part of one of the -- that's one
11 of the parts of the transmission definition, yes.

12 Q. Is it fair to say that's the most sort of
13 unclear part of the definitions?

14 A. That's one of the three parts, yes. The
15 term "distribution center" is not specifically
16 defined in the Pipeline Safety Regulations.

17 Q. Did you write the section of the Staff
18 Report that dealt with this issue of transmission
19 line versus distribution line?

20 A. I did.

21 Q. And you -- isn't -- is it the case you
22 relied on an interpretation letter from PHMSA in
23 coming to your opinion?

24 A. I researched a number of interpretation
25 letters when I came to that opinion; so one or more,

1 yes.

2 Q. Isn't it true that you cited one
3 interpretation letter, dated March 22, 2010?

4 A. It may be. Could I take a look in my
5 report?

6 Q. Sure. I think it's page 54 of the Staff
7 Report.

8 A. If you could help me out.

9 Q. Oh, you don't have the Staff Report.

10 MR. YSKAMP: May I approach, your Honor?

11 ALJ PARROT: You may.

12 Q. Let me know when you are at page 54.

13 A. I'm on it.

14 Q. So if you -- under the Pipeline Safety
15 Section, it would be one, two, three, four, five
16 paragraphs down.

17 A. Yes.

18 Q. And that first sentence there that runs
19 about four lines is where you interpret the term
20 "distribution center"; isn't that correct?

21 A. Yes.

22 Q. And Footnote 47, if you follow that, is
23 that an interpretation letter dated March 22, 2010?

24 A. Yes, it is.

25 Q. I would like to have you now look at NOPE

1 Exhibit 16.

2 MR. YSKAMP: And, your Honor, can I
3 approach to help find it?

4 ALJ PARROT: You may.

5 Q. Mr. Chace, do you recognize what is
6 marked as NOPE Exhibit 16?

7 A. Yes.

8 Q. What do you recognize it to be?

9 A. It's an interpretation letter from
10 Pipeline and Hazardous Materials Safety
11 Administration.

12 Q. And is it fair to say that the PHMSA is
13 answering questions regarding whether certain
14 pipelines were properly classified as distribution
15 lines or transmission lines?

16 A. Yes.

17 Q. So first did -- isn't it true that PHMSA
18 classified them all as transmission lines?

19 A. In this particular letter, it looks like
20 at least the first three are.

21 Q. Yes. Could you please turn to the third
22 page for me. Is there a paragraph numbered 5 on that
23 page?

24 A. Yes.

25 Q. Could you -- I don't have a copy. Could

1 you please read that paragraph for me.

2 A. "Regarding the Northeast Distribution
3 Mainline, we do not consider a decrease in pressure
4 to below 20 percent SMYS at a transmission line to be
5 a 'distribution center' and lines downstream of that
6 point to be distribution lines - this would violate
7 the intent of the pipeline safety regulations. We
8 consider a 'distribution center' to be the point
9 where gas enters piping used primarily to deliver gas
10 to customers who purchase it for consumption as
11 opposed to customers who purchase it for resale."

12 Q. And as we discussed before, Line C314 and
13 Line C314V will be connected by a pressure-reduction
14 station; isn't that true?

15 A. That's right.

16 Q. Did you consider the safety intent of the
17 safety regulations when you came to your opinion?

18 A. Yes, I did.

19 Q. Could you see a reasonable argument that
20 all that's happening from C314 to C314V is a
21 reduction in pressure?

22 A. Let me read it. The -- upstream C314V is
23 a point where Duke Energy is purchasing the gas from
24 an interstate transmission line for the purpose of
25 consumption as opposed to purchasing it for resale.

1 Q. Upstream from C314?

2 A. Yes.

3 Q. And C314 is -- I forget if you said if
4 you know if C314 is a transmission line or not. Do
5 you know if C314 is a transmission line?

6 A. Quite frankly, I don't recall. I believe
7 some of it may be and some of it may not.

8 Q. So if C314 is a transmission line, would
9 that change your opinion?

10 A. No.

11 Q. Would you agree that the -- that
12 third-party damage is the highest cause of
13 distribution pipeline safety incidents?

14 A. Yes, I would.

15 Q. Would you agree that it's possible for
16 third-party damage to rupture the proposed pipeline?

17 A. What do you mean by "rupture"?

18 Q. A failure of the pipe wall.

19 A. Yes.

20 Q. Would it depend on the force of the
21 third-party mechanism?

22 A. Yes.

23 Q. Are you familiar with pipeline safety
24 incidents statistics on PHMSA's -- scratch that.

25 Are you familiar with pipeline safety

1 statistics that are publicly available through the
2 PHMSA website?

3 A. I am, yes.

4 Q. Do you have -- did you happen to see a
5 copy of those statistics in front of you?

6 A. I believe that's this document here.

7 Q. Okay. What you're looking at is NOPE
8 Exhibit 15 titled "Pipeline Serious Incident 20 Year
9 Trend"?

10 A. Uh-huh.

11 Q. When was the last time -- well, have you
12 ever viewed these statistics?

13 A. I have.

14 Q. When was the last time --

15 A. Not this format.

16 Q. Sorry. I cut you off.

17 A. No.

18 Q. Do you have any reason to doubt the
19 numbers here?

20 A. No.

21 Q. So looking at, say, 2005, there were 28
22 serious incidents, correct?

23 A. Yes.

24 Q. In 2006, there were 24.

25 A. Yes.

1 Q. In 2007, there were 29.

2 A. Yes.

3 Q. And if we jump down to 2018, there were
4 35 serious incidents?

5 A. Yes.

6 Q. In 2017, there were 20 serious incidents,
7 correct?

8 A. Yes.

9 Q. 2016, there were 31 serious incidents?

10 A. Uh-huh.

11 Q. Would it be fair to say that -- that
12 these serious incidents fluctuate?

13 A. Yes.

14 Q. So you couldn't say for certain that it's
15 trending down, the number of serious incidents?

16 A. I suppose not. When you look at the
17 amount of distribution piping in the country and then
18 adjust for that, I think it would be fair for to say
19 for distribution lines there's a slight drop downward
20 trend, but I wouldn't describe it as dramatic. In
21 some years, you get an increase from the year before.

22 Q. I see. So basically per mile? I am just
23 trying to understand.

24 A. I would argue there is more distribution
25 piping in the country now than there was 20 years

1 ago, and we have fewer incidents, so I believe there
2 is a slight downward trend in incidents. It's not
3 what we would like to see, but it is there.

4 Q. The 35 in 2018 is concerning, right?

5 A. They are all concerning.

6 MR. YSKAMP: I think that's all the
7 questions I have. Thank you.

8 ALJ PARROT: Mr. Fox?

9 MR. FOX: Nothing, your Honor.

10 ALJ PARROT: Mr. Arnzen?

11 MR. ARNZEN: No, your Honor. Thank you.

12 ALJ PARROT: Mr. Keaney?

13 MR. KEANEY: Nothing, your Honor.

14 MR. PACHECO: He said he didn't have any
15 questions.

16 ALJ PARROT: All right. Mr. Miller
17 represented that to you, Mr. Arnzen?

18 MR. ARNZEN: Yes.

19 ALJ PARROT: Thank you.

20 All right. Well, with that then, any
21 redirect?

22 MR. EUBANKS: Staff has no questions, no
23 redirect. At this time, I would like to move to have
24 Staff's Exhibit 12 moved into evidence.

25 ALJ PARROT: Are there any objections to

1 the admission of Staff Exhibit 12?

2 Hearing none, it is admitted.

3 (EXHIBIT ADMITTED INTO EVIDENCE.)

4 ALJ PARROT: Thank you, Mr. Chace.

5 ALJ SEE: Would Staff like to call its
6 next witness.

7 MR. EUBANKS: Next, Staff would like to
8 call Raymond Strom.

9 (Witness sworn.)

10 ALJ SEE: Thank you. Have a seat.

11 MR. EUBANKS: May I approach, your Honor?

12 ALJ SEE: Yes.

13 MR. EUBANKS: I would like to have the
14 prefiled testimony of Raymond Strom marked as Staff's
15 Exhibit 13.

16 ALJ SEE: So marked.

17 (EXHIBIT MARKED FOR IDENTIFICATION.)

18 - - -

19 RAYMOND W. STROM

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

22 DIRECT EXAMINATION

23 By Mr. Eubanks:

24 Q. Could you state your name and spell it
25 for the record, please.

1 A. Raymond W. Strom, S-t-r-o-m.

2 Q. Your duties and position?

3 A. I am the Chief of the Siting, Efficiency,
4 and Renewables Division of the Public Utilities
5 Commission of Ohio.

6 Q. Do you have before you what has been
7 marked Staff's Exhibit 13?

8 A. Yes, I do.

9 Q. Could you identify it.

10 A. That's my prefiled testimony.

11 Q. Is it a true and accurate copy?

12 A. I believe so.

13 Q. It was prepared by you or under your
14 direction?

15 A. Yes, it was.

16 Q. Is there anything you would like to
17 correct in your testimony?

18 A. Yes. I have a couple of corrections. On
19 the cover page, lower left corner, it gives the year
20 "201" as the year I prepared this. It really should
21 be "2019."

22 I noticed something else on -- see if I
23 can find it again. On page 1, line 17, it says -- in
24 the middle of that line it says "a graduate teaching
25 assistance." That really should be "assistant." And

1 that's all I have.

2 Q. With those corrections in mind, if you
3 were to be asked the same questions in your prefiled
4 testimony again, would you provide the same answers?

5 A. Yes, I would.

6 MR. EUBANKS: At this time, I would like
7 to move to have Staff's Exhibit 13 moved into
8 evidence, subject to cross-examination.

9 ALJ SEE: Mr. Heslin?

10 MR. HESLIN: None, your Honor. Thank
11 you.

12 ALJ SEE: Mr. Fox?

13 MR. FOX: No, your Honor.

14 ALJ SEE: Mr. Yskamp?

15 MR. YSKAMP: Thank you, your Honor. Just
16 a couple of questions.

17 - - -

18 CROSS-EXAMINATION

19 By Mr. Yskamp:

20 Q. Mr. Strom, I am -- I am going to ask you
21 a couple of questions about NOPE Exhibit 12, and I
22 can --

23 MR. YSKAMP: May I approach to help him
24 find the exhibit?

25 ALJ SEE: Yes.

1 Q. NOPE Exhibit 12 is an Investigation
2 Report and the Case No. is 01-520-GA-BTX, July 31,
3 2003. Mr. Strom, have you seen this document before?

4 A. I'm sure I have. It has my initials on
5 it.

6 Q. And that's -- so on the line "Field
7 Visit," is that your name? "R. Strom," is that you?

8 A. Yes, that's me.

9 Q. If I can direct your attention --

10 MR. EUBANKS: Can we have one second? I
11 am having trouble locating NOPE 12. Actually, do you
12 have another copy?

13 MR. YSKAMP: I think I handed them all
14 out.

15 MR. EUBANKS: Thank you. I have a copy.

16 Q. If I could direct your attention to the
17 second paragraph under "Field Inspection."

18 A. Okay.

19 Q. Do you see it says "Staff's review showed
20 that all trees had been cleared to the edge of the
21 stream, in a path approximately 40 feet wide. This
22 included several large trees, some estimated to have
23 been in place for well over 50 years." Do you
24 remember this incident?

25 A. Yes, I do.

1 Q. Was it a violation of, at that time,
2 Cinergy's certificate?

3 A. I think it was Cincinnati Gas & Electric
4 at that time; but, yes, it was a violation.

5 Q. Could I ask you to -- I am going to ask
6 you a question about one more exhibit. It's NOPE
7 Exhibit No. 5.

8 MR. YSKAMP: Can I approach, your Honor?

9 ALJ SEE: Just a minute.

10 Go ahead.

11 Q. NOPE Exhibit No. 5 is a report by the
12 Staff of the Public Utilities Commission of Ohio, In
13 the Matter of the Investigation of Duke Energy Ohio
14 Relative to its Compliance with the Natural Gas
15 Pipeline Safety Standards and Related Matters,
16 Case No. 11-3636-GA-GPS.

17 ALJ SEE: Thank you.

18 Q. Mr. Strom, do you recognize this
19 document?

20 A. I don't believe I do.

21 MR. YSKAMP: Okay. I have no further
22 questions. Thank you.

23 ALJ SEE: Mr. Stevenson?

24 MR. STEVENSON: I have no questions of
25 this witness, your Honor. Thank you.

1 ALJ SEE: Mr. Keaney?

2 MR. KEANEY: No questions for this
3 witness, your Honor.

4 ALJ SEE: Mr. Miller?

5 MR. MILLER: I have no questions, your
6 Honor. Thank you.

7 ALJ SEE: Mr. Arnzen?

8 MR. ARNZEN: No, your Honor. Thank you.

9 ALJ SEE: Any redirect for this witness,
10 Mr. Eubanks?

11 MR. EUBANKS: Staff has no redirect.

12 ALJ SEE: I believe you already moved for
13 the admission of Staff Exhibit 13. Are there any
14 objections to the admission of Staff Exhibit 13?

15 Hearing none, Staff Exhibit 13 is
16 admitted into the record.

17 (EXHIBIT ADMITTED INTO EVIDENCE.)

18 ALJ SEE: Mr. Yskamp.

19 MR. YSKAMP: Your Honor, could I move
20 again for admission of NOPE Exhibit 12? I believe
21 Mr. Strom was able to authenticate the document.

22 MR. KEANEY: Your Honor, it was already
23 administratively noticed.

24 MR. YSKAMP: My mistake. It's already
25 admitted.

1 ALJ SEE: Okay. Okay.

2 MR. YSKAMP: Withdraw.

3 ALJ SEE: Okay. Thank you.

4 With that, thank you, Mr. Strom. You may
5 step down.

6 THE WITNESS: Thank you.

7 ALJ SEE: Let's go off the record for a
8 minute.

9 (Discussion off the record.)

10 ALJ SEE: We're back on the record.

11 Mr. Stevenson.

12 MR. STEVENSON: Yes, your Honor.

13 ALJ SEE: Go ahead with -- I understand
14 that you've been afforded the authority to act on
15 behalf of the Village of Evendale?

16 MR. STEVENSON: I have been, your Honor.
17 I was -- Mr. Kamrass communicated with me and then
18 again Mr. Burke also communicated with me, regarding
19 the testimony that was submitted by Mayor Finan and
20 the Village Administrator.

21 The initial communication that came to me
22 was a question, and it was Mr. Kamrass's
23 understanding that Duke was going to stipulate to the
24 testimony without cross-examination. And he asked me
25 if that was correct, and I indicated back to him that

1 you had reserved a ruling on the Evendale matters for
2 the reasons we have discussed, in that it was signed
3 by two people and is a letter format.

4 And I asked him specifically if he wanted
5 me to request that that be admitted, and he indicated
6 that that was the case. I would be happy to e-mail
7 the communication chain, if you want me to do that.

8 ALJ SEE: Yes. Let's cover our bases.
9 Please do to all the parties.

10 With that, we will mark -- okay. We'll
11 mark the testimony of Mr. Finan and Mr. Jeffers as
12 Evendale Exhibit 1.

13 (EXHIBIT MARKED FOR IDENTIFICATION.)

14 ALJ SEE: Are there any objections to the
15 admission of the testimony filed and marked as
16 Evendale Exhibit 1?

17 MS. KINGERY: No, your Honor.

18 MR. BEELER: No, your Honor.

19 ALJ SEE: Are -- I take it there are no
20 objections to the admission of Evendale Exhibit 1.
21 It is admitted into the record.

22 (EXHIBIT ADMITTED INTO EVIDENCE.)

23 ALJ SEE: While the parties were -- while
24 we were off the record, the parties also discussed
25 and came to an agreement as to the briefing schedule.

1 All briefs for the evidentiary hearing will be
2 submitted into the record by the end of business
3 tomorrow, Friday, April -- I'm sorry. All
4 transcripts will be admitted into the record by end
5 of business tomorrow, Friday, April 12. And on that
6 basis, the parties have agreed to file initial briefs
7 by May 13, with reply briefs to be filed by June 10.

8 If there's nothing further --

9 MR. MILLER: What was that date? June 10
10 did you say?

11 ALJ SEE: Monday, June 10.

12 MR. MILLER: Thank you.

13 ALJ SEE: That is for reply briefs.

14 If there is nothing further, the hearing
15 is adjourned. Thank you all.

16 (Thereupon, at 5:19 p.m., the hearing was
17 adjourned.)

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1 CERTIFICATE

2 I do hereby certify that the foregoing is a
3 true and correct transcript of the proceedings taken
4 by me in this matter on Thursday, April 11, 2019, and
5 carefully compared with my original stenographic
6 notes.

7
8

Karen Sue Gibson, Registered
Merit Reporter.

9
10

Carolyn M. Burke, Registered
11 Professional Reporter.

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Summary: Transcript in the matter of the Duke Energy Ohio, Inc. hearing held on 04/11/19 - Volume III electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.