

BEFORE THE OHIO POWER SITING BOARD

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In the Matter of the :
Application of The Dayton :
Power and Light Company :
for a Certificate of : Case No. 18-1259-EL-BTX
Environmental Compatibility :
and Public Need for the :
West Milton to Eldean :
138 kV Transmission Line :
Project. :

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PROCEEDINGS

before Ms. Anna Sanyal, Administrative Law Judge, at
the Public Utilities Commission of Ohio, 180 East
Broad Street, Room 11-D, Columbus, Ohio, called at
9:58 a.m. on Tuesday, October 1, 2019.

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On behalf of The Dayton Power and Light
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On behalf of the Staff of the Ohio Power
Siting Board.

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Tuesday Morning Session,
October 1, 2019.

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ALJ SANYAL: The Public Utilities -- I'm
sorry, strike that.

The Ohio Power Siting Board has called
for hearing, Case No. 18-1259-EL-BTX, which is
captioned as In the Matter of The Dayton Power and
Light Company for a Certificate of Environmental
Compatibility and Public Need for the West Milton to
Eldean 138-Kilovolt Transmission Line Project.

Will someone get the door, please. Thank
you.

My name is Anna Sanyal and I am the
Administrative Law Judge assigned to this case.

I will start with appearances first --
thank you, sir, for getting the door -- and I will go
with the Company, first.

MR. GRIFFIN: Yes. I'm Randall V.
Griffin, representing The Dayton Power and Light
Company, and I have left my address and phone number
and other contact information with the court
reporter.

ALJ SANYAL: Thank you, Mr. Griffin.

And Staff.

1 MR. BEELEER: Thank you, Your Honor. On
2 behalf of the Staff of the Ohio Power Siting Board,
3 Ohio Attorney General Dave Yost, I'm Steve Beeler,
4 Assistant Attorney General, 30 East Broad Street,
5 Columbus, Ohio 43215. Thank you.

6 ALJ SANYAL: Thank you, Mr. Beeler.

7 We discussed off the record that we do
8 have two public witnesses, so we will be taking the
9 public witnesses first, so whomever wants to go
10 first. Okay.

11 MR. CONLEY: Thank you, Your Honor.

12 ALJ SANYAL: Yes. And I recognize you
13 from the public hearing.

14 MR. CONLEY: Yes.

15 ALJ SANYAL: So thank you for making the
16 trek up here.

17 MR. CONLEY: It was only an hour and 20.

18 ALJ SANYAL: Only. If you'll please
19 raise your right hand.

20 (Witness sworn.)

21 ALJ SANYAL: And, Mr. Conley, if you'll
22 just give your entire name and your address for the
23 record.

24 MR. CONLEY: Thank you, Your Honor. I'm
25 Ed Conley and my address is 6555 State Route 55, and

1 that's Ludlow Falls, 45339.

2 - - -

3 ED CONLEY

4 presented himself as a public witness, and being
5 first duly sworn, testified as follows:

6 DIRECT TESTIMONY

7 MR. CONLEY: I'm a landowner, a farmer.
8 I have attended the two prior hearings or, well,
9 actually the first public hearing and then the last
10 one at Hobart.

11 Probably the first hearing had 150 people
12 and it was a seek-finding mission, but most people
13 did not get their questions answered, including me.
14 I was told that someone would get back with me and
15 they never did.

16 The second meeting at Hobart was about
17 100 to 150 people maybe, and most people came up with
18 the term "dog and pony show" because we couldn't ask
19 any questions but we could testify. So I testified,
20 and my question was and always has been, why Calumet
21 Road was not considered as an alternative or a
22 direction that DP&L should choose to go and that's
23 Calumet Road. And the reason for that, that I'm
24 concerned about that, is I farm on Route 55.

25 And I have some exhibits here, just one

1 exhibit actually, it's a map of that area that I'm
2 talking about. As you may recall at the last
3 meeting, I asked a map to be brought in, and a large
4 map was brought in but it was so large that you
5 couldn't delineate the roads and so, today, I was
6 able to get an exhibit from Miami County that shows
7 Calumet Road at 55. If I could --

8 ALJ SANYAL: Do you have a copy for me?

9 MR. CONLEY: I have a copy for whoever
10 needs one.

11 ALJ SANYAL: Okay. Why don't we
12 distribute the copies to everyone --

13 MR. CONLEY: Okay.

14 ALJ SANYAL: -- so everyone is on the
15 same page.

16 MR. CONLEY: Who needs a copy of Calumet
17 Road?

18 MR. GRIFFIN: Thank you.

19 MR. CONLEY: Now, I put this together
20 last night, so excuse the penciling. I have a couple
21 more here if anybody is interested.

22 ALJ SANYAL: I think that gentleman would
23 like one.

24 MR. CONLEY: I need to keep one for a
25 reference.

1 ALJ SANYAL: And, sir, just for my
2 understanding, where did you get this map?

3 MR. CONLEY: I got this map from the
4 Zoning Board in Miami County.

5 ALJ SANYAL: Okay. Go ahead.

6 MR. CONLEY: In the upper left-hand
7 corner, I've noted northeast, south, and west. I'm
8 property Owner No. 2 on the north side of 55.

9 What I did was label the number of
10 property owners on Route 55 that will be affected by
11 this power line. That section of 55 is mostly farm
12 ground. I farm, Mr. Hainline farms, and Ty Hinson
13 farms. Now, they use bigger equipment than I do, so
14 their concern at the last hearing was the size of the
15 corn head and bean heads they use to cut around
16 telephone poles.

17 I do hay and I'm concerned about -- most
18 of you probably haven't used hay equipment but it's
19 kind of like a zero-turn lawnmower, so if you're
20 cutting around trees and bushes, it takes a longer
21 amount of time to do that. Plus, you eliminate
22 ground usage that may be affected by those items in
23 the way. But I farm 1, 2, 5, 8, and 10; those pieces
24 of ground I farm.

25 ALJ SANYAL: I have a question.

1 MR. CONLEY: Yes, ma'am.

2 ALJ SANYAL: So you farm the numbers you
3 just said on the north --

4 MR. CONLEY: North side --

5 ALJ SANYAL: -- north of State Route 55,
6 correct?

7 MR. CONLEY: Yes, ma'am.

8 ALJ SANYAL: Okay. So what about these
9 parcels you've numbered along Calumet, do you farm
10 any of those?

11 MR. CONLEY: I do; No. 2.

12 ALJ SANYAL: Okay.

13 MR. CONLEY: And -- well, actually, I
14 didn't number the north side of Calumet because
15 there's other houses over there, but I farm 2 for
16 hay.

17 So, as you can see by just the numbers
18 just on 55, there's 12 property owners that may be
19 affected by this power line. On Calumet, there's
20 four property owners that would be affected by this
21 power line; four property owners.

22 You know, I don't necessarily disagree
23 with eminent domain, but it seems to me it would be
24 used in the most optimal situation. In other words,
25 the less property owners to be affected, the less

1 cost. It's half the distance. If you look at how
2 DP&L wants to go, Calumet is actually half the
3 distance and affects one third of the property
4 owners.

5 So for eminent domain to take properties
6 that myself I've worked for 30 years on my piece of
7 property, it took me 20 years to save the money to
8 buy it, another 15 years to pay it off, and for
9 someone to come in and take my -- part of my
10 livelihood and part of my ground that I can't timber,
11 I can't have mineral rights, I can't build on it, is
12 just not right, but the overriding concern is that
13 Calumet would have less men and materials and
14 supplies and a lot less impact on eminent domain if
15 they chose to go that way.

16 About 12 years ago, Troy ran the main
17 water line from Troy to West Milton because West
18 Milton was using the river as their main water
19 supply. Well, Troy, going to West Milton, came 55
20 and Calumet to West Milton because it was a shorter
21 distance.

22 Secondly, Calumet, a big part of that is
23 already in West Milton town -- the City of West
24 Milton. If you have a map that shows that, it shows
25 the south side of Calumet, about 90 percent of it is

1 already considered city property.

2 So when they give me a map, when "they"
3 meaning DP&L suppliers, when they give me a map that
4 shows lines and you can't delineate what side of the
5 road of the property that the lines are going to go
6 on, and they label the road that I'm on "Common
7 Route," and there's no Alternative Route or Preferred
8 Route associated with that, it says "Common Route,"
9 and Calumet has not even been, as I can see, has been
10 even looked at as either a Preferred or an
11 Alternative Route. And I just can't -- that was my
12 question, that was going to be my question at Hobart
13 but you weren't allowed to ask questions.

14 And the first meeting, like I said, it
15 was a bunch of tables set up and the public went in
16 and a lot of them left with more questions than could
17 be answered because nobody answered any questions
18 there. They said, "The word was 'I'll get back with
19 you.'"

20 Well, do you know who did this? You
21 know, did a farmer, did anybody look at this land
22 usage? You know, how many farms are you going to try
23 to impact by taking eminent domain? And if that
24 doesn't matter, then so be it.

25 But I'm telling you, Calumet makes more

sense. You're only affecting four property owners and it's half the distance for DP&L. It looks like DP&L would want to do that because the cost of materials is less and the impact for eminent domain is less. It's just half, it's just half of what it is the way they're asking to go.

So the engineers that looked at this are not familiar with the area, didn't go through the area, because no one can tell me why they didn't look at Calumet.

ALJ SANYAL: Mr. Conley, I have some questions for you.

MR. CONLEY: Yes, ma'am.

- - -

EXAMINATION

By ALJ Sanyal:

Q. On this map, do you know if this is the Preferred or Alternate Route?

A. It's called the "Common Route" --

Q. Common Route.

A. -- on this small printout.

Q. And then after the first public hearing, which I think was in November of 2018.

A. At the Hospitality Suite there on 55.

Q. Sure.

1 A. Yes.

2 Q. Did you reach out to DP&L?

3 A. I did at the hearing.

4 Q. Okay.

5 A. And I went to the engineer booth. They
6 had a little corner there, I'd say it was the north
7 and the east corner, they had a couple young men
8 standing in there, they were engineers, and I asked
9 them, I said, "Why hasn't Calumet been considered?"

10 Q. Okay.

11 A. "Well, I don't know."

12 Q. Okay.

13 A. "We'll get back with you. Here's my name
14 and number." No one got back with me.

15 Q. No one got back with you. And from
16 November 2018, so our public meeting in this case was
17 in September of 2019, so during that time did you
18 reach out to DP&L?

19 A. I did not, no. I had this, which I don't
20 have the postmark on it, July 24th.

21 Q. Okay.

22 A. So I've had this and it's listed the two
23 meetings that I had to choose from. I didn't hear
24 anything about any September one.

25 Q. It's the one that you went to.

1 A. Okay.

2 Q. The one you testified at.

3 A. Well, that one was September 17th. I
4 heard there was -- at that meeting I heard that there
5 was a time frame even sooner than that, that I wasn't
6 aware of, like September 3rd.

7 Q. That was the date for intervention --

8 A. Okay.

9 Q. -- in this case.

10 So after -- I know your testimony today
11 is that you were frustrated that, during the meeting
12 we had two weeks ago, you weren't able to ask
13 questions, but were you able to ask questions after
14 the meeting? Did you reach out to the Company?

15 A. This gentleman, this gentleman was at the
16 meeting and, after the meeting, it kind of just
17 dissipated. I mean, people just kind of went their
18 separate ways. Nobody was asking any questions.

19 I did ask, there was a younger, I don't
20 know if he was a surveyor or if he was an engineer or
21 what, but he was pointed out to the participants by
22 this gentleman, and I asked him specifically about
23 that. Well, I asked him about one other thing too.
24 I asked him about the electrical magnetic field that
25 went in front of my house which he said -- I think

1 the common line is like 13, what do they call that,
2 bK or kV, I'm not an electrician, I don't --

3 Q. It's kV probably.

4 A. 13 kV. This is 138 which is a little
5 over ten times the amount of voltage. And everything
6 I read on Google says that also increases at the
7 same -- the magnetic field also increases at the same
8 rate as the voltage; in other words --

9 Q. Mr. Conley, just so I'm on the same page,
10 so you did ask questions. Did you receive the
11 answers to your questions --

12 A. No.

13 Q. -- after the September meeting?

14 A. No. Just a smile.

15 Q. Okay.

16 A. He did say that the standard line in
17 front of the properties, because I didn't know what
18 they were, he said they were 13.

19 Q. Okay.

20 A. But then I said, "So this is ten times
21 more than that; is that correct?" And he did not
22 answer, he just kind of smiled, just, you know.

23 Q. Okay. So it sounds -- it looks that
24 you're waiting on questions about the voltage and
25 questions about why Calumet was not considered as --

1 A. No, the voltage is what it is. I
2 understand that. I mean I can -- I know I've got a
3 retired nephew that told me about the same thing,
4 about the voltage increasing with the, you know, the
5 electrical magnetic field that could be hazardous to
6 your health. It doesn't affect all people, but it
7 affects some people. That doesn't -- that's not what
8 I'm here for. What I'm here for is no one has told
9 me about this alternative route that is Calumet.

10 Q. Okay. So that is the question you're
11 waiting an answer on --

12 A. Yeah.

13 Q. -- and no one has reached out to you from
14 the Company, correct?

15 A. Yes, and as to why. That is a savings of
16 half the manhours and the materials and a third the
17 impact for eminent domain if they choose to go that
18 route.

19 Q. Okay.

20 A. Why that doesn't seem to make sense.

21 Q. Okay.

22 A. Okay?

23 Q. Is there anything else that you are
24 waiting an answer on from the Company?

25 A. No.

1 ALJ SANYAL: Okay. So now I'm going to
2 let counsel ask you some questions since you've
3 testified. Would Staff like to go first or the
4 Company?

5 MR. BEELER: I prefer the Company if
6 that's okay.

7 ALJ SANYAL: Okay. Mr. Griffin, do you
8 have any questions?

9 MR. GRIFFIN: I only have a few questions
10 for Mr. Conley.

11 ALJ SANYAL: Okay.

12 - - -

13 CROSS-EXAMINATION

14 By Mr. Griffin:

15 Q. Are you aware that Calumet Road has a
16 nature preserve on it?

17 A. I am.

18 Q. Okay.

19 A. And I -- excuse me, I drive by there
20 every day and that section of ground is very small,
21 very small. Through the week there's no cars there,
22 and on the weekends, if there's one car there, I'm
23 surprised.

24 In other words, it's not like even though
25 it's considered a nature preserve, one time they were

1 going to build condos on it, but it's solid rock
2 base. So it's just real small, maybe 30 acres or
3 40 acres, if that, and it encompasses the Stillwater
4 River which my property encompasses about 900 feet of
5 the Stillwater Water.

6 My property is more of a nature preserve
7 than that place, and I'm against this power line as
8 much as the nature preserve would be against it, and
9 I own more property.

10 Q. I understand what you're saying, but your
11 property is not designated as a nature preserve, is
12 it?

13 A. My property is not.

14 Q. Okay. And are you aware that, and I
15 think you are from your testimony, that along State
16 Route 55 there's already a transmission line?

17 A. There also is -- yes, I am, and there
18 also is one on Calumet. I think it's maybe even
19 bigger on Calumet. I mean, the lines are larger in
20 proportion. Like I said, I'm not an electrician, I
21 don't know. If you're driving down Calumet, there
22 are bigger lines in proportion and diameter than 55.

23 I've lived out there. I built a house,
24 31 years ago, out there. Like I said, it took me
25 20 years to save money to buy it, another about

1 20 years to pay it off. I just had an appraisal done
2 on my property at 750 and it's primarily because of
3 the house, not the 50 acres I own.

4 So most people on 55, the house right
5 across the street from me sold for 575 about two
6 months ago. So eminent domain up 55 in that little
7 section because it's a unique section, because 9 out
8 of 10 cars, and I've done this survey myself when I
9 was doing hay sitting there, when you come from Troy
10 on 55, 9 out of 10 cars turn left on Calumet. They
11 don't come up 55. That section is a unique little
12 piece of earth and I live there.

13 So it's going to be expensive to get
14 ground for eminent domain up through there. I don't
15 know what you pay a square foot. It's going to be
16 cheaper, a lot cheaper, in man and materials and
17 eminent domain to go down Calumet. It's half the
18 distance. Look at your map.

19 MR. GRIFFIN: Your Honor, that was all
20 the questions I had.

21 ALJ SANYAL: Okay. Do you have anything
22 else, Mr. Conley, based on those questions?

23 MR. CONLEY: No.

24 ALJ SANYAL: Okay. Well, thank you very
25 much.

1 MR. BEELER: I have no questions.

2 MR. CONLEY: Thank you very much. I'm
3 sorry I'm underdressed today.

4 (Witness sworn.)

5 ALJ SANYAL: Okay. If you --

6 MR. JOURNELL: Chris Journell.

7 ALJ SANYAL: And then your address,
8 please.

9 MR. JOURNELL: 1825 South Forest Hill
10 Road, Troy, Ohio.

11 ALJ SANYAL: And then go ahead with your
12 testimony when you're ready.

13 - - -

14 CHRIS JOURNELL

15 presented himself as a public witness, and being
16 first duly sworn, testified as follows:

17 DIRECT TESTIMONY

18 MR. JOURNELL: So some of you had seen me
19 at the last meeting. My name is Chris Journell. I
20 own, obviously, the property on Forest Hill Road. We
21 moved there approximately six or seven years ago.

22 A little bit about myself just so you
23 understand who this guy is up here. For the last 15
24 years I've worked for large enterprise-level
25 corporations, doing project management, services

1 management, multimillion-dollar project delivery,
2 I've done this. I also own a business in Troy; Troy
3 Martial Arts. So I've worked for enterprise-level
4 business and I run a business. Prior to that, I was
5 in the military for 11 years.

6 So we moved out there, frankly, because
7 Troy is a great location. Out in the country, you
8 know, it was everything we wanted: Six acres, quiet,
9 peaceful, what have you, love the area.

10 When I seen this information, I wasn't
11 able to make the first meeting but I did get the
12 documentation sent to me. When I seen this come
13 through my mail, I was obviously concerned and I
14 still am.

15 Any time you buy a quarter-million dollar
16 property and someone says, "Hey, let's put a
17 high-power transmission line on it," you instantly
18 say, 1, eyesore; 2, what kind of complications is
19 this going to cause both for my family, children
20 around said equipment, and resale of the property.

21 Now, I don't know how much it diminishes
22 property value when you put high-power transmission
23 lines, but let's just swag it and say 10 percent.
24 That's \$25,000 if it's 10 percent.

25 The information that's been provided to

1 this date has been shameful, frankly. Using my
2 project-manager experience, if I went to an
3 enterprise-level customer and said, "This is what we
4 think we're going to do and, oh, by the way, it might
5 go Primary Route, it might go Alternate Route, and
6 Primary and Alternate Route could be anywhere between
7 500 meters distance," I would get shot. It would be
8 unacceptable.

9 I can't believe that there's not a
10 project manager that doesn't have better details than
11 this. Unfathomable. This is, what, a 10-,
12 20-million-dollar project, something like that?

13 The reason we got this is because this is
14 the dummed-down version and DP&L wanted to spearhead
15 this through. They have ideas what they want to do,
16 but they're not going to send this out to the
17 populous; so they went with a high-level, we're going
18 to see how many people we can bulldoze over with it,
19 here's what you get. That's my two cents on it.

20 Asking questions. I keep hearing people
21 say, "Did you ask questions?" We shouldn't have to
22 ask questions. A thorough project plan should be
23 laid out to identify the precise spot that the lines
24 are going, alternates and primaries. It should also
25 spell out what size of lines these are as far as

1 transmission. We did talk about the height a little
2 bit.

3 But as customers and people who are
4 impacted by this, we should have a lengthy, detailed
5 report that tells everything, top to bottom, what
6 we're dealing with, and we're not getting that.

7 A couple more points here. On Forest
8 Hill Road, the Primary, I think is out by the road.
9 The Alternate is, I'm not sure, but appears to be
10 several hundred meters to the east. I don't know if
11 it's along property lines.

12 If they choose to go down this path, the
13 Primary, I would rather they did the Alternate along
14 Forest Hill Road. Now, what we have is it will
15 mitigate some of the property value decrease. When
16 people look at a property, the first thing they see
17 when they see the house is a giant power line going
18 through the yard. If you go to the alternate
19 property line, you know, that would -- that would
20 help obscure the eyesore if you will.

21 So if it's 200, 300, 400, 500 meters to
22 the rear, it can actually run along the property
23 lines on the east side and then DP&L gets what they
24 want and it's not an eyesore to anyone else.

25 I don't know, the other gentleman that

1 was in here mentioned the electromagnetic thing.
 2 That's obviously a concern. When you're pushing
 3 140,000 volts, it creates a certain amount of
 4 electromagnetic concern. I don't deal with that, but
 5 we have to take that into account, the long-term
 6 ramifications to health concerns. I've got a
 7 3-year-old and I've got a 9-year-old; what's that
 8 going to do?

9 And I think that's about it for my
 10 questions.

11 ALJ SANYAL: I have a couple of quick
 12 questions.

13 MR. JOURNELL: Yes, ma'am.

14 - - -

15 EXAMINATION

16 By ALJ Sanyal:

17 Q. I'm sorry, I do not know how to pronounce
 18 your last name. Could you help me out?

19 A. "Jour-nell."

20 Q. "Jour-nell." Mr. Journell, since the
 21 public hearing, that you and I both attended in
 22 September --

23 A. Yes, ma'am.

24 Q. -- have you received any additional
 25 information that --

1 A. No, ma'am.

2 Q. -- alleviates some of your concerns?

3 A. No.

4 Q. Okay.

5 A. You know, to echo what the other
6 gentleman said, that hearing wasn't designed to
7 answer questions; the last one wasn't.

8 Q. Just, you know, as a representative of
9 the Board, that hearing is not meant to answer
10 questions. It's more meant to gather your concerns.

11 A. Understood.

12 Q. It's more meant to gather your concerns
13 which you expressed.

14 Okay. And you -- just for the record,
15 you are an affected landowner?

16 A. Yes.

17 ALJ SANYAL: Okay. At this time, I'll
18 turn it over for questions from Staff and the
19 Company.

20 MR. GRIFFIN: I just have one or two
21 quick questions, Mr. Journell.

22 MR. JOURNELL: Yes, sir.

23 - - -

24 CROSS-EXAMINATION

25 By Mr. Griffin:

1 Q. Did you leave that public hearing at the
2 same time the Judge did, or did you stay afterwards?

3 A. I stayed long enough for the questions
4 and answers. To be brutally frank, it wasn't going
5 anywhere. We wasn't getting the answers that we
6 expected. DP&L came underprepared to answer
7 questions.

8 Q. Did DP&L people stay there and attempt to
9 answer questions?

10 A. They did, but you might as well send a
11 secretary.

12 MR. GRIFFIN: I have no further
13 questions, Your Honor.

14 ALJ SANYAL: Mr. Journell, do you have
15 any additional testimony based on the questions you
16 just had?

17 MR. JOURNELL: No, ma'am.

18 ALJ SANYAL: Okay. Well, you are
19 excused. Thank you very much for making the drive
20 here. We appreciate it.

21 MR. JOURNELL: Am I allowed to stay for
22 the rest of the meeting?

23 ALJ SANYAL: Absolutely. It's an open,
24 public hearing.

25 I need a brief recess for, like, two

1 minutes.

2 (Recess taken.)

3 ALJ SANYAL: Let's get back on the
4 record.

5 (Witness sworn.)

6 ALJ SANYAL: You may be seated.
7 Mr. Griffin, you may proceed.

8 MR. GRIFFIN: Thank you.

9 MR. BEELER: Just one clarifying
10 question.

11 ALJ SANYAL: Yes.

12 MR. BEELER: Have we started, is this the
13 evidentiary part of the hearing now?

14 ALJ SANYAL: Yes.

15 MR. BEELER: Okay.

16 ALJ SANYAL: Yes.

17 MR. BEELER: Just wanted to make sure.

18 - - -

19 GREG TOKAR

20 being first duly sworn, as prescribed by law, was
21 examined and testified as follows:

22 DIRECT EXAMINATION

23 By Mr. Griffin:

24 Q. Mr. Tokar, can you state your full name
25 and address and title for the record.

1 A. My name is Greg Tokar. My address is
2 2730 Wild Orchard Point, Dayton, Ohio.

3 Q. Your title?

4 A. Oh. Title is Engineer with Dayton Power
5 and Light.

6 Q. Thank you.

7 Have you been involved in the planning
8 and design of this Project?

9 A. Yes, I have.

10 Q. And are you familiar with both the
11 Preferred Route and the Calumet potential alternative
12 that was discussed earlier today?

13 A. Yes, I am.

14 Q. Can you state briefly what the Company is
15 here today to achieve, and then I will have a
16 follow-up question about what we might consider in
17 the future.

18 A. The Company is here today to get approval
19 of the Preferred Route so we can move forward with
20 the Project.

21 Q. Okay. And then what else is the Company
22 considering with respect to Calumet?

23 A. With respect to Calumet, we did take into
24 consideration the comments we received on why Calumet
25 was not within the routing, so we went upon ourselves

1 to start to investigate Calumet. We've been
2 investigating that route for at least the past month.

3 We've contacted some property owners
4 along the route. We've contacted the Brukner Nature
5 Center along the route. We've been able to determine
6 there is a conservation easement along Brukner Nature
7 Center which could pose problems.

8 So we are actively still looking at that
9 route. We have not made a decision to go that way,
10 but we are actively looking at that.

11 Q. And is it your understanding, and I know
12 you're not a lawyer, but is it your understanding
13 that if we elected, at some point in the future, to
14 go that route, we would have to come back in and do
15 an amendment to our Application?

16 A. Yes, that's correct. If the Calumet
17 route turns out to be feasible for us to do, we would
18 be willing to come back and file an addendum or
19 whatever it does take to go that route.

20 MR. GRIFFIN: Thank you.

21 Your Honor, I have no further questions.

22 ALJ SANYAL: Okay. I have a couple of
23 questions. Give me one moment. I'm just taking some
24 copious notes myself.

25 - - -

EXAMINATION

By ALJ Sanyal:

Q. Okay. Is there any reason why Calumet Road was not considered prior to the Application being filed?

A. The initial routing study did not have a segment going down Calumet Lane. There was numerous segments included in the original routing study and the Calumet Lane segment was left off --

Q. Okay.

A. -- or was overlooked.

Q. Okay. So I know this is not part of your Application and this is just a demonstrative that Mr. Conley provided, but just so I understand, is this additional line over here, was this not originally considered also on 55?

A. 55 was always considered, yes.

Q. Okay.

A. Yes, 55 was always considered.

Q. So there was existing line in the geographic area that was considered, but Calumet was not.

A. Correct. Calumet was not in the initial routing study.

Q. Okay. And I guess I'm trying -- I am

1 trying to understand why that portion of land was not
2 considered. Was it just oversight?

3 A. It was oversight, in my opinion, yes.

4 Q. Okay. And then would you know, if this
5 Application were to be approved, when the Company
6 would start constructing the Preferred or Alternate
7 Route whichever one is approved?

8 A. Construction wouldn't begin until 2021.

9 ALJ SANYAL: Okay. I think those are all
10 the questions I have.

11 THE WITNESS: Okay. Thank you.

12 ALJ SANYAL: You may step down.

13 You may proceed.

14 MR. GRIFFIN: Yes, Your Honor. I'd like
15 to call Jessica E. Kellie to the stand. In addition,
16 there's a number of exhibits that we'll be entering
17 into evidence.

18 ALJ SANYAL: Sure.

19 MR. GRIFFIN: And I have a package of
20 most of those.

21 ALJ SANYAL: Thank you.

22 (Witness sworn.)

23 ALJ SANYAL: Okay. You may be seated.

24 MR. GRIFFIN: Before I ask any questions
25 of Ms. Kellie, I thought I'd go through the exhibits.

1 ALJ SANYAL: That would be great.

2 MR. GRIFFIN: Your Honor, you have a
3 package before you that includes what's been marked
4 as DP&L Exhibit No. 1, and for identification
5 purposes that is a pre-application notification
6 letter that was dated October 3, 2018, consisting of
7 two pages.

8 You also have before you DP&L Exhibit 2,
9 which is a Proof of Publication, primarily to tell
10 the landowners and libraries and public officials
11 about the informational meeting that was held. That
12 is dated October 30, 2018, consisting of 14 pages,
13 including the list of landowners and tenants who
14 received the notices.

15 You do not have before you Company
16 Exhibit -- or DP&L Exhibit 3.

17 ALJ SANYAL: That was one of my
18 questions.

19 MR. GRIFFIN: That's just because of
20 volume. Company Exhibit No. 3 or what I would
21 request be marked as DP&L Exhibit 3 is the
22 Application itself, dated February 1, 2019,
23 consisting of 308 pages, and the supplemental filing
24 of May 5th, consisting of another 132 pages. Those
25 are on file with the Commission, they're available

1 through the website. I just thought, given the
2 volume, it was not appropriate, really, to Xerox it
3 and bring it in.

4 ALJ SANYAL: That makes sense. So 1, 2,
5 and 3 are so marked.

6 MR. GRIFFIN: Thank you.

7 (EXHIBITS MARKED FOR IDENTIFICATION.)

8 MR. GRIFFIN: DP&L Exhibit 4 is a Notice
9 of Compliance, dated June 28, 2019, consisting of 33
10 pages, and again that's another form of just showing
11 the checklist of things that we've complied with
12 under the statute.

13 DP&L Exhibit 5 is Proof of Notification,
14 and that's dated July 29, 2019.

15 DP&L Exhibit No. 6 is dated September 11,
16 2019, and that's Proof of Publication, that's with
17 the newspapers, and the second notification to the
18 landowners and tenants and public officials and
19 primarily, again, relating to the second public
20 meeting that you attended, Your Honor.

21 ALJ SANYAL: Okay. 4, 5, and 6 are
22 marked.

23 MR. GRIFFIN: Thank you.

24 (EXHIBITS MARKED FOR IDENTIFICATION.)

25 MR. GRIFFIN: I would also like to give

1 Your Honor something that I've marked as Joint
2 Exhibit No. 1, and that is the Stipulation that has
3 been entered into by Staff and the Company.

4 ALJ SANYAL: Joint Exhibit 1 is marked.
5 (EXHIBIT MARKED FOR IDENTIFICATION.)

6 MR. GRIFFIN: And Ms. Kellie's prefiled
7 testimony, I would request be marked as DP&L
8 Exhibit 7.

9 ALJ SANYAL: And it is so marked.
10 (EXHIBIT MARKED FOR IDENTIFICATION.)

11 MR. GRIFFIN: Thank you. And I would
12 move into evidence at this time, DP&L Exhibits 1
13 through 6, and Joint Exhibit 1.

14 ALJ SANYAL: Okay. We will do that
15 after -- I have some questions for Ms. Kellie, so
16 after she answers them.

17 MR. GRIFFIN: Okay. That would be fine,
18 Your Honor.

19 ALJ SANYAL: Okay. I'm assuming Staff
20 has no questions --

21 MR. BEELER: No.

22 ALJ SANYAL: -- for Ms. Kellie.

23 MR. GRIFFIN: Would you like me to do the
24 preliminary set of questions?

25 ALJ SANYAL: Sure. Yes.

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JESSICA E. KELLIE

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

DIRECT EXAMINATION

By Mr. Griffin:

Q. Ms. Kellie, could you state your title
and your business address for the record.

A. My title is Program Manager for The
Dayton Power and Light Company. My business address
is 1065 Woodman Drive, Dayton, Ohio 45432.

Q. Thank you.

Are you the same Jessica Kellie that
prefiled testimony in this case, consisting of eight
pages?

A. I am.

Q. And do you have any changes or
modifications to make to that testimony?

A. I do not.

Q. And if I asked you the same questions
today under oath, would your answers be the same?

A. Yes.

Q. Are you familiar with the Commission's
three-factor test for reviewing stipulations?

A. Yes, I am.

1 Q. Does your testimony address those three
2 factors?

3 A. Yes, it does.

4 Q. What did you conclude with respect to
5 those three factors?

6 A. I concluded the Stipulation should be
7 approved without modification.

8 Q. Thank you.

9 And does your testimony also cover the --
10 mention at least the recommendations that were made
11 in the Staff Report?

12 A. Yes.

13 Q. How many recommendations were there?

14 A. There were 23 -- 22 in the Staff Report.

15 Q. Okay. And was there an additional
16 recommendation then in the Stipulation?

17 A. Yes. We added Condition 23. It's "The
18 Applicant shall restore all disturbed drainage
19 systems, water wells, and septic systems to previous
20 or better condition unless otherwise specified by the
21 affected parties."

22 Q. And what is your understanding of why
23 that Condition got added even though it was not part
24 of the original Staff Report?

25 A. There was a public hearing on

1 September 17th and those were some of the issues
2 raised by the landowners.

3 Q. Okay. And at that public hearing there
4 were also various proposals of different routes that
5 were being proposed, we've talked about Calumet, but
6 there were other people who proposed alternatives or
7 slight reroutes. Are you familiar -- were you at
8 that public hearing?

9 A. Yes.

10 Q. And do you recall those comments?

11 A. Yes.

12 Q. Has the Company's position changed or are
13 we still in favor of the Preferred Route?

14 A. The Company is still in favor of the
15 Preferred Route.

16 MR. GRIFFIN: Thank you, Your Honor. I
17 have no further questions.

18 ALJ SANYAL: Okay. Well, Ms. Kellie, I'm
19 going to have some questions about that public
20 hearing, so I think we'll pick up where Mr. Griffin
21 left off.

22 - - -

23 EXAMINATION

24 By ALJ Sanyal:

25 Q. So can you explain to me why the Company

1 is still in favor of the Preferred Route, briefly,
2 despite hearing otherwise from the public witnesses
3 at the public hearing?

4 A. The Company put the route it favored out;
5 that's obviously the Preferred Route. We've done
6 studies for that route and believe that it's the
7 best. We may have modifications later, like Witness
8 Tokar said, but, if we do, we'll come in with another
9 amendment.

10 Q. Are there any specific reasons that you
11 can cite to why you still consider the Preferred
12 Route to be better, to be ideal? And you can take
13 your time to think about it.

14 A. I think that the Application that we put
15 forth and just all the studies would make this the
16 Preferred Route for the Company.

17 Q. Ms. Kellie, does the Preferred Route
18 already have any existing lines on it that would make
19 it more ideal to utilize this route?

20 A. Yes, there are lines already on the
21 Preferred Route.

22 Q. Okay. And what are these lines?

23 A. I believe there are transmission lines,
24 at least on Route 55, already established.

25 Q. Okay. Ms. Kellie, during the public

1 hearing we heard from several landowners who were
2 basically expressing that they have not had adequate
3 communications with the Company, that they have
4 reached out to the Company and that they have not
5 received callbacks.

6 So, in light of that testimony, what is
7 the Company doing in order to reach out to customers
8 and any affected landowners in a better fashion and
9 to disseminate information in a better fashion?

10 A. The Company actually reviewed all of the
11 transcripts and found the landowners that asked
12 questions and reached out to the landowners that had
13 actual questions.

14 There were two landowners that had just
15 kind of comments that we didn't respond back to, but
16 the questions we responded to, and there is a process
17 set up to respond to landowners and customers.

18 Q. Well, I think, just to go back on that
19 question, some of the landowners stated they had
20 reached out to the Company in November of 2018 and
21 had not received any responses. So what has the
22 Company done to ensure that if comments and questions
23 are received, that the Company responds to them
24 immediately or as soon as possible?

25 A. I know there's a process set up for

1 answering questions that the landowners have, and I
2 know that there's -- we've now went back through and
3 reviewed all the records of the questions to make
4 sure that there was -- we reviewed all the e-mails
5 and phone questions.

6 Q. Okay. Just so I understand, so since the
7 public informational meeting, you have gone back and
8 reviewed all received questions to make sure they're
9 answered?

10 A. I know that we have reviewed received
11 questions and I know we've addressed specifically the
12 ones from the public hearing.

13 Q. Okay. And have you responded to any
14 other outstanding questions from that November public
15 informational hearing/meeting?

16 A. I would think that the Company has
17 provided responses.

18 Q. Okay. But you don't know for sure.

19 A. I know the Company has responded to
20 questions since the November hearing.

21 Q. Okay. And based on the comments received
22 from the landowners during the public hearing, has
23 the Company implemented any changes to ensure those
24 affected landowner questions get answered promptly?

25 A. I think, if we go through this process

1 again, there will definitely be process improvements.

2 Q. Okay. I guess what I'm trying to get
3 from you is a commitment that the Company will,
4 moving forward, be expedient in answering these
5 questions because I think that was a majority of the
6 concerns, and I think what I'm saying is you'll go
7 back and take this feedback to the Company.

8 A. Yes.

9 Q. Okay. Thank you.

10 Another issue that a lot of the
11 homeowners had was that the visuals provided in the
12 letter, and I think Mr. Journell also had an example
13 of this, that the maps were not adequate. Has the
14 Company taken any additional steps internally, since
15 the public hearing, to provide better visuals to
16 affected landowners or is there a website that can
17 provide better visuals?

18 A. Yes. So the Company actually has a
19 website for this transmission project that
20 individuals can log onto, and there's the PUCO
21 website, the case docket, that individuals can log
22 onto.

23 Q. Okay. And these maps, can you zoom in
24 better and look at road names and such on these maps?

25 A. I'm not sure.

1 Q. Okay. One of the -- one of the questions
2 we had from a homeowner was that she had purchased
3 her property recently and had not received -- and
4 she's an affected landowner and she had not received
5 any information mailed to her. So, based on that
6 testimony, has the Company taken any adequate
7 safeguards to ensure if there are newer affected
8 landowners that come into the area, they receive the
9 information expediently?

10 A. The Company relied on public county
11 records for the landowners when those notifications
12 were sent out.

13 Q. Absolutely, but between the first
14 notification and the second notification, there could
15 have been sales of homes, correct?

16 A. Correct.

17 Q. Right. And was there any update done to
18 see if there were newer affected landowners?

19 A. I'm not sure.

20 Q. Okay. Thank you.

21 And my last question is, during the
22 public hearing we had a gentleman by the name of
23 Richard Osgood, he was the Director of Development
24 for Miami County and he was from the Miami County
25 Department of Development, and he testified that the

1 Miami County Comprehensive Plan had changed, and he
2 testified about how the land use had changed from
3 agricultural to more of an industrial-type.

4 I know the Company's Application relies
5 on this Comprehensive Plan, so did the Company review
6 the updated Comprehensive Plan and are there any
7 changes you need to report to the Board?

8 A. Yes. The Company has reviewed, and I
9 know our Service OPS group is in talks with Miami
10 County, and this project has little or no overlap
11 affected, so no proposed changes.

12 ALJ SANYAL: Okay. I know that was a lot
13 of questions so, Mr. Griffin, I'm sure you have some
14 follow-up.

15 - - -

16 REDIRECT EXAMINATION

17 By Mr. Griffin:

18 Q. The only follow-up, I guess, that I have
19 for Ms. Kellie is, could you describe, at least in a
20 couple of instances of the people who were at the
21 second public hearing, whether or not, when we
22 reviewed their previous comments, whether they
23 actually had questions?

24 A. Sure. There were a couple instances
25 where the comment cards that were left from the

1 initial meeting were just comments and not questions
2 that needed a reply; or there was a message, a
3 telephone message that just said they didn't want us
4 on their property, so we didn't need to reply to
5 that; and there was one gentleman that said he left a
6 comment card but we could not find.

7 ALJ SANYAL: Could not find?

8 THE WITNESS: The comment card.

9 ALJ SANYAL: Okay.

10 Q. (By Mr. Griffin) And then going back to
11 the Judge's questions about the Preferred versus
12 other routes, are you familiar with any comments that
13 we've received of people who were on the Alternate
14 Route who actually submitted comments that said they
15 were in favor of the Preferred Route?

16 A. Yes, I am aware.

17 MR. GRIFFIN: Thank you. That was all I
18 had.

19 ALJ SANYAL: Actually, I, based on your
20 question, may have one more question and it may have
21 been more appropriate for Mr. Tokar and, if you don't
22 know the answer, I can have him come up again.

23 For the Alternate and Preferred Route,
24 does the Company know where the pole placements will
25 be for each route? And I can ask Mr. Tokar that

1 question if you don't know.

2 MR. GRIFFIN: I can respond actually to
3 that, Your Honor, if you'd like. We can bring up
4 Mr. Tokar too.

5 ALJ SANYAL: Yeah, let's do that. I'm
6 uncomfortable having you answer questions.

7 MR. GRIFFIN: It's all right.

8 ALJ SANYAL: Do you have any other
9 questions for Ms. Kellie based on my questions?

10 MR. GRIFFIN: I do not, but Staff may
11 have.

12 MR. BEELER: I have no questions.

13 ALJ SANYAL: Ms. Kellie, you can step
14 down.

15 Mr. Tokar, if you can come back up here
16 and then I'll just remind you that you are still
17 under oath.

18 THE WITNESS: Yes, ma'am.

19 - - -

20 GREG TOKAR

21 being previously duly sworn, as prescribed by law,
22 was examined and further testified as follows:

23 FURTHER EXAMINATION

24 By ALJ Sanyal:

25 Q. I'll just ask you the question about pole

1 placement. So for the Alternate and Preferred
2 Routes, as they stand now, does the Company know
3 approximately where the poles will be in each route?

4 A. Yeah. Each route there is some
5 preliminary engineering done for pole placements and
6 that was included in the Application. Those are
7 preliminary, of course, not a final design.

8 Q. Okay. If an affected landowner were to
9 call the Company and they were interested in knowing
10 where a pole would be on their property, you would be
11 able to give them some sort of approximate data,
12 knowing that it may change?

13 A. That is correct. We can provide a
14 property owner with pole information, preliminary
15 design.

16 Q. Okay. And if a homeowner had such
17 questions, how would they contact you?

18 A. There are two phone numbers listed in the
19 communications we've had. There's also communication
20 information on our website.

21 Q. Okay. And who monitors these?

22 A. I'm sorry, there's also an e-mail address
23 also, ma'am.

24 Q. Okay.

25 A. The telephone numbers, I check those for

1 recordings. They're not answered directly; they're
2 checked for recordings. I check those as recordings
3 come in.

4 The website basically directs you to
5 either the e-mail address which I get a copy of that
6 e-mail and also several other personnel on our team
7 get a copy of that e-mail. The website also directs
8 them to the phone number.

9 ALJ SANYAL: Okay. Any questions based
10 on my questions?

11 MR. GRIFFIN: I do.

12 ALJ SANYAL: Okay.

13 MR. GRIFFIN: One clarifying question,
14 Your Honor.

15 - - -

16 REDIRECT EXAMINATION

17 By Mr. Griffin:

18 Q. Mr. Tokar, could you explain the
19 difference between preliminary engineering and sort
20 of final engineering?

21 A. Yeah. Preliminary engineering, we take
22 consideration of typical span lengths on a similar
23 line that we may use there and plot those along our
24 Preferred and Alternate Routes, and it doesn't take
25 into consideration a lot of minor details that you

1 might encounter along the routes. This is all done
2 basically visually. A lot of it is done visually
3 from Google Earth and also just driveby. Since we do
4 not have access to a lot of the properties, we did
5 the best we could with that.

6 ALJ SANYAL: And when you say "minor
7 details," just an example?

8 THE WITNESS: It could be like a -- it
9 might be a --

10 ALJ SANYAL: A swimming pool?

11 THE WITNESS: Hopefully we would be able
12 to see a swimming pool, but if it wasn't there when
13 Google took pictures, then I guess you wouldn't be
14 able to see it but, yeah, obstacles, swimming pools,
15 potentially new driveways that cropped up, things
16 along that nature.

17 ALJ SANYAL: Okay.

18 MR. GRIFFIN: Thank you. That was all I
19 had.

20 MR. BEELER: I do have one point, Your
21 Honor.

22 ALJ SANYAL: Yes.

23 MR. BEELER: So we can -- this kind of
24 harkens back to my question on the evidentiary part
25 earlier. It might make sense, so we can consider

1 Mr. Tokar's testimony in the evidentiary part, to
2 maybe have a motion, a formal motion to waive the
3 prefiled --

4 ALJ SANYAL: Testimony requirement.

5 MR. BEELEER: -- testimony requirement.

6 ALJ SANYAL: Sure. Whoever wants to make
7 that motion.

8 MR. GRIFFIN: I would make that motion,
9 Your Honor.

10 ALJ SANYAL: That motion is granted,
11 Mr. Griffin.

12 MR. GRIFFIN: Thank you.

13 MR. BEELEER: Thank you.

14 ALJ SANYAL: Thank you. You may step
15 down.

16 THE WITNESS: Thank you.

17 MR. GRIFFIN: At this point, I would
18 request that we move into evidence DP&L Exhibits 1
19 through 7.

20 ALJ SANYAL: Okay. Any objections?

21 MR. BEELEER: No objections, Your Honor.
22 Thank you.

23 ALJ SANYAL: Okay. Those are admitted.

24 (EXHIBITS ADMITTED INTO EVIDENCE.)

25 MR. GRIFFIN: And I would request we move

1 into evidence, Joint Exhibit 1.

2 ALJ SANYAL: Okay. I'm going to do that
3 after we take our Staff witness if that is okay with
4 everyone. Is that okay?

5 MR. GRIFFIN: That's fine, Your Honor.

6 MR. BEELER: At this time, the Staff
7 calls Eric Morrison to the stand.

8 (Witness sworn.)

9 ALJ SANYAL: You may be seated and you
10 may proceed.

11 MR. BEELER: Before we start with
12 Mr. Morrison, I believe it's in evidence already by
13 motion and rule, but I'll move for the admission of
14 Staff Exhibit 1, which is the Staff Report of
15 Investigation filed in this case, 18-1259-EL-BTX,
16 dated August 30, 2019.

17 ALJ SANYAL: It is so marked, and I'll
18 take up the motion to move it into evidence after the
19 Staff witness.

20 (EXHIBIT MARKED FOR IDENTIFICATION.)

21 MR. BEELER: May I approach?

22 ALJ SANYAL: Yes, you may.

23 MR. BEELER: I have what's been
24 previously marked as Staff Exhibit 2. This is the
25 Prefiled Testimony of Eric Morrison, filed in this

1 docket, dated September 23, 2019.

2 ALJ SANYAL: Okay. And that is so
3 marked.

4 (EXHIBIT MARKED FOR IDENTIFICATION.)

5 ALJ SANYAL: Thank you.

6 - - -

7 ERIC MORRISON

8 being first duly sworn, as prescribed by law, was
9 examined and testified as follows:

10 DIRECT EXAMINATION

11 By Mr. Beeler:

12 Q. Please state your name for the record.

13 A. Eric Morrison.

14 Q. Where do you work and what is your
15 position?

16 A. I work for the Public Utilities
17 Commission of Ohio. I'm in the Department of the
18 Ohio Power Siting Board. The address is 180 East
19 Broad Street, Columbus, Ohio 43215.

20 Q. Do you have in front of you what's been
21 marked as Staff Exhibit 2 and that's your prefiled
22 testimony in this case?

23 A. Correct.

24 Q. Do you have any changes or edits to this
25 testimony?

1 A. No, I do not.

2 Q. Is this testimony true and accurate to
3 the best of your knowledge?

4 A. It is.

5 Q. If I asked you the same questions in this
6 testimony today, would your answers be the same?

7 A. Yes.

8 Q. And you are familiar with the Staff
9 Report, Staff Exhibit 1, as you state in your
10 testimony, correct?

11 A. Correct.

12 Q. You were the lead Staff person on the
13 Staff Report, correct?

14 A. I was.

15 MR. BEELEER: Okay. At this time, Your
16 Honor, I would move for the admission of Staff
17 Exhibits 1 and 2, subject to cross-examination.

18 ALJ SANYAL: Okay. Mr. Griffin, I assume
19 no cross?

20 MR. GRIFFIN: I have no questions, Your
21 Honor.

22 ALJ SANYAL: Okay. Mr. Morrison, I do
23 have some questions.

24 - - -

25

EXAMINATION

By ALJ Sanyal:

Q. I understand you weren't at the public hearing, but did you receive an update about the public hearing from your coworker who attended?

A. Yes; verbally.

Q. Okay. I just have a couple of questions for you. Can you describe to me the complaint procedure for Power Siting cases --

A. Off the top of my head, no.

Q. -- for landowners?

Once this project is implemented, if a landowner had issues with the transmission line, what is the complaint procedure?

A. I would have to review that to answer you accurately.

Q. Okay. Do we have -- does the Power Siting Board, do we have a complaint procedure that Staff would be involved in?

A. Yes.

Q. Okay. You're just not aware of the parameters?

A. Correct.

Q. Okay. And then during the public hearing, and I mentioned this before, the Director of

1 Development for Miami County testified about the
2 Miami County Comprehensive Plan. So, since the
3 public hearing, has Staff reviewed the updated Miami
4 County Comprehensive Plan and are there any suggested
5 changes from Staff?

6 A. I was not aware of this plan.

7 Q. Okay. You understand that it's
8 referenced in the Staff Report, correct?

9 A. No, I was not aware it was referenced in
10 the Staff Report.

11 ALJ SANYAL: Okay. Well, it is
12 referenced in the Staff Report, I believe. Thank
13 you.

14 I assume you'll have some questions based
15 on my questions. Go ahead.

16 - - -

17 REDIRECT EXAMINATION

18 By Mr. Beeler:

19 Q. You are aware from what you've heard,
20 from what you've heard from Staff and from the
21 Company after the public hearing, you are aware that
22 it might not have been the exact plan that Your Honor
23 mentioned and that was the Miami Valley Plan, but you
24 were aware there were some zoning changes that did
25 occur, right, that were explained to you, right?

1 A. Yes.

2 Q. Okay. And, you know, that was just
3 general knowledge about that. I know you didn't look
4 into the plan as you answered before, but just with
5 your common knowledge of these projects that wouldn't
6 be something that would necessarily change Staff's
7 analysis, would it?

8 A. I don't believe so.

9 MR. BEELEER: One second, Your Honor.

10 Q. Just to take you to the Staff Report, do
11 you have that in front of you?

12 A. Sure.

13 ALJ SANYAL: Do you have a copy of the
14 Staff Report for me?

15 MR. BEELEER: I do.

16 ALJ SANYAL: I don't have it printed out.
17 Please and thank you.

18 Thank you, Mr. Beeler.

19 Q. (By Mr. Beeler) I'm going to take you to
20 the Conditions kind of at the back. On page 36,
21 Condition No. 7. Your Honor asked about the
22 complaint resolution kind of procedure. Condition
23 No. 7 at least mentions the complaint resolution
24 procedure, right? Is that correct?

25 A. You're asking me?

1 Q. Yes.

2 A. Sorry. Yes, it does.

3 Q. Okay. And it gives, you know, that
4 Condition kind of gives a high-level, if you read
5 through it there, it gives you a high-level summary
6 of what the complaint resolution procedure is,
7 correct?

8 A. Yes.

9 MR. BEELER: Okay. No further questions,
10 Your Honor.

11 ALJ SANYAL: Okay. Give me one moment.

12 Okay. I have no other questions. You
13 may be seated. Thank you.

14 Okay. At this time, I'll take your
15 motions to admit Joint Exhibit 1, Staff Exhibit 1 and
16 2.

17 MR. JOURNELL: I'm sorry, Your Honor,
18 would it be possible to amend my testimony? I found
19 some new information. I'd like to edit it, frankly.

20 ALJ SANYAL: Let's go off the record.

21 (Discussion off the record.)

22 ALJ SANYAL: Let's get back on the
23 record.

24 Mr. Journell, let us finish up here and
25 then we can amend your testimony, okay?

1 MR. JOURNELL: Okay, okay.

2 ALJ SANYAL: So going back to admitting
3 Joint Exhibit 1, Staff Exhibit 1 and Staff Exhibit 2;
4 any objections?

5 MR. GRIFFIN: No objections.

6 ALJ SANYAL: Okay. Those are admitted.

7 (EXHIBITS ADMITTED INTO EVIDENCE.)

8 ALJ SANYAL: Any other matters that we
9 need to discuss? Okay. Hearing none, Mr. Journell,
10 who was a public witness, has indicated that he would
11 like to amend his testimony briefly, and I will allow
12 him to do that.

13 So, Mr. Journell, if you'll come up here
14 and I'm just going to remind you that you are still
15 under oath.

16 MR. JOURNELL: Yes, ma'am, Your Honor.

17 ALJ SANYAL: Okay. Let's have you be
18 seated so the court reporter can hear you.

19 MR. JOURNELL: Do I need to be sworn in
20 again?

21 ALJ SANYAL: No, you're already sworn in.
22 I just reminded you that you remember that you're
23 sworn in.

24 MR. JOURNELL: Yes, ma'am.

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CHRIS JOURNELL

presented himself as a public witness, and being
previously duly sworn, further testified as follows:

FURTHER DIRECT TESTIMONY

MR. JOURNELL: So everyone makes mistakes
and I am one of those folks.

As I was listening to this young lady
speak, I actually looked at the website and, based on
the map and, you know, knee jerk, I said I want the
Alternate Route. When I actually went out to the
website, and the website is kind of hard to figure
out the road names, the Alternate Route literally
puts it in my front yard. So I would like to change
my statement to the Primary Route is my
recommendation for Forest Hill Road; that puts it
through the farm fields and that mitigates some of
the hit to the property values.

That's all I have.

ALJ SANYAL: Thank you.

MR. JOURNELL: My apologies for the
miscommunication.

ALJ SANYAL: Thank you.

I'm forgetting, will you remind me what
our first public witness's name was. Was it
Mr. Conley?

1 MR. GRIFFIN: Ed Conley, I think.

2 ALJ SANYAL: So Mr. Conley gave us a
3 demonstrative, but he is not here to admit this into
4 evidence or make a motion to do so, so I will not be
5 admitting this into evidence just for the record.

6 Any other issues that we need to discuss
7 before we go off the record?

8 Okay. Well, thank you for everyone's
9 participation.

10 MR. BEELEER: No briefing, Your Honor,
11 correct?

12 ALJ SANYAL: No briefing.

13 MR. BEELEER: I would like to clarify
14 that.

15 (Laughter all around.)

16 ALJ SANYAL: Thank you for the
17 clarification. No briefing.

18 This case will be submitted to the Board,
19 and the Board will issue an Opinion in due course.

20 Thank you, everyone.

21 (Thereupon, the proceedings concluded at
22 11:06 a.m.)

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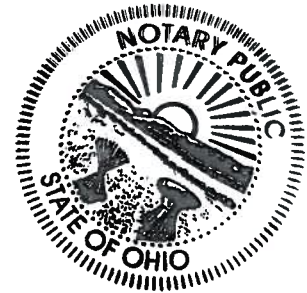
CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on Tuesday, October 1, 2019, and carefully compared with my original stenographic notes.

Carolyn M. Burke
Carolyn M. Burke, Registered
Professional Reporter, and
Notary Public in and for the
State of Ohio.

My commission expires July 17, 2023.

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Case No(s). 18-1259-EL-BTX

Summary: Transcript In the Matter of the Application of The Dayton Power and Light Company for a Certificate of Environmental Compatibility and Public Need for the West Milton to Eldean 138 kV Transmission Line Project, hearing held on October 1st, 2019. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Burke, Carolyn