

RECEIVED-DOCKETING DIV

2010 FEB -9 PM 2:49

ORIGINAL

PUCO

1
2
3
4
5 IN RE: IN THE MATTER OF)
6 THE APPLICATION OF BP-HUSKY)
7 REFINING, LLC., CERTIFICATE)
8 OF ENVIRONMENTAL CAPABILITY) Case No. 09-750-EL-BSB
9 AND PUBLIC NEED FOR A)
10 138/69-KILOVOLT SUBSTATION)
11 PROJECT)

12
13
14
15
16
17
18
19
20
21
22
23
24

TRANSCRIPT OF PUBLIC HEARING
BEFORE ADMINISTRATIVE LAW JUDGE REBECCA L. HUSSEY

DATE: January 21, 2010 at 6:00 p.m.

PLACE: Oregon Municipal Complex
5330 Seaman Road
Oregon, Ohio

REPORTER: Robert W. Scheid, Jr., RPR
Notary Public

This is to certify that the images appearing are an
accurate and complete reproduction of a case file
document delivered in the regular course of business.
Technician Sm Date Processed FEB 09 2010



■ COLLINS REPORTING SERVICE, INC.

Inns of Court Building • 405 N. Huron St. • Toledo, OH 43604
Tel: 419-255-1010 • Fax: 419-244-8222 • collinsreporting.com

1 APPEARANCES:

2 On behalf of BP-HUSKING REFINING, LLC:

3 BOEHM, KURTZ & LOWRY:
4 Kurt J. Boehm
36 East Seventh Street
Suite 1510
5 Cincinnati, Ohio 45202
6 (513) 421-2255
7
8 - - -
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

1 MS. HUSSEY: Good evening. The Ohio
2 Power Siting Board has assigned for a public hearing
3 at this time and place Case No. 09-750-EL-BSB,
4 captioned "In the Matter of the Application of
5 BP-Husky Refining, LLC, for a Certificate of
6 Environmental Compatibility and Public Need for a
7 138/69 Kilovolt Substation Project."

8 My name's Rebecca Hussey. I'm the
9 administrative law judge assigned to preside over
10 tonight's hearing. I'll begin by taking appearances
11 from the parties, beginning with the company.

12 MR. BOEHM: Good evening. My name is
13 Kurt Boehm. I'm appearing here on behalf of BP
14 Refining, LLC.

15 MS. HUSSEY: Thank you. Any other
16 parties? Representatives?

17 (No response.)

18 MS. HUSSEY: Okay. On September 23rd,
19 2009, BP-Husky Refining, LLC, filed an application for
20 a certificate with the Ohio Power Siting Board,
21 proposing to construct a 138/69 kilovolt substation in
22 Oregon, Lucas County, Ohio.

23 As part of this proceeding, the staff of
24 the Ohio Power Siting Board completed a staff report

1 of investigation on January 5th, 2010. Copies of the
2 staff report are available at the entrance where the
3 sign-in sheets are located.

4 The staff report will likely address any
5 questions you may have regarding the application and
6 how the process will proceed this evening. Tonight's
7 public hearing is only part of the overall proceedings
8 in this case.

9 The adjudicatory hearing will commence on
10 January 27th, 2010, at 10:00 a.m., at the offices of
11 the Public Utilities Commission of Ohio. And at that
12 hearing, BP-Husky Refining and the Ohio Power Siting
13 Board will have an opportunity to present evidence
14 regarding whether BP-Husky Refining's application
15 should be approved.

16 Tonight's public hearing provides an
17 opportunity for members of the public to present their
18 views on BP-Husky Refining's proposed project. We
19 will not be hearing from BP-Husky Refining or the Ohio
20 Power Siting Board staff this evening.

21 Tonight is the public's opportunity to
22 let the board know what you think of the proposed
23 project. You will not have the opportunity to ask the
24 company or staff questions during your testimony, but

1 I would encourage any company representatives to stick
2 around after the hearing in case folks do have
3 questions.

4 As you may have noticed, there's a court
5 reporter here, and he'll be transcribing the hearing.
6 What that means is that the court reporter will be
7 recording tonight in typewritten fashion the
8 statements that have been made here today.

9 All of tonight's testimony will be part
10 of the record in this case and will be part of the
11 board's consideration of the application.

12 When you arrived, there was a sign-up
13 sheet for anyone who wishes to testify. We'll take
14 witnesses in the order that they signed up. But if
15 you did not have a chance to sign up, you'll be given
16 a chance to testify after we've gone through the list.

17 Should you decide that you don't want to
18 testify, you can merely pass to the next witness.
19 When your name is called, please come up to the
20 podium. All testimony tonight will be sworn testimony
21 and be subject to cross-examination by the parties in
22 attendance.

23 At this time, I'll begin calling
24 witnesses forward, if there are any, in fact. Is

1 there anyone interested in giving a statement this
2 evening?

3 (No response.)

4 MS. HUSSEY: Let the record reflect that
5 there is no one present who wishes to testify in this
6 proceeding. I would encourage any company employees
7 to stick around for a little while in case anyone
8 would like to discuss the application or has any
9 questions on it.

10 Is there any other business to cover this
11 evening?

12 (No response.)

13 MS. HUSSEY: Okay, with that, this
14 evening's hearing will be adjourned. We'll take up
15 the adjudicatory in this matter on Wednesday, January
16 27th, 2010, at the offices of the Public Utilities
17 Commission of Ohio. Thank you very much for joining
18 us.

19 (Hearing adjourned at 6:06 p.m.)
20
21
22
23
24

C E R T I F I C A T E

I, Robert W. Scheid, Jr., a Notary Public in and for the State of Ohio, duly commissioned and qualified, do hereby certify that these proceedings were by me reduced to stenotype in the presence of said parties and afterwards transcribed; that the foregoing is a true and correct transcription of the testimony so given as aforesaid.

I do further certify that these proceedings were taken at the time and place in the foregoing caption specified.

I do further certify that I am not a relative, employee of or attorney for any of the parties in this action; that I am not a relative or employee of an attorney of any of the parties in this action; that I am not financially interested in this action, nor am I or the court reporting firm with which I am affiliated under a contract as defined in the applicable civil rule.

1 IN WITNESS WHEREOF, I have hereunto set
2 my hand and affixed my seal of office at Toledo, Ohio
3 on this 4th day of February 2010.

4 

5 ROBERT W. SCHEID, JR., RPR
6 Notary Public
7 in and for the State of Ohio

8 My Commission expires May 29, 2013.
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

Concordance Report

Unique Words: 204
Total Occurrences: 377
Total Words In File: 926

Single File Concordance

Case Insensitive

Cover Pages = 2

Includes ALL Text
Occurrences

Dates ON

Includes Pure Numbers

Possessive Forms ON

-- 0 --

09-750-el-bsb [1] 3:3

-- 1 --

10:00 [1] 4:10

138/69 [2] 3:7, 21

-- 2 --

2009 [1] 3:19

2010 [4] 4:1, 10; 6:16; 8:3

2013 [1] 8:8

23rd [1] 3:18

27th [2] 4:10; 6:16

29 [1] 8:8

-- 4 --

4th [1] 8:3

-- 5 --

5th [1] 4:1

-- 6 --

6:06 [1] 6:19

-- A --

a.m. [1] 4:10

action [3] 7:14, 16, 17

address [1] 4:4

adjourned [2] 6:14, 19

adjudicatory [2] 4:9; 6:15

administrative [1] 3:9

affiliated [1] 7:18

affixed [1] 8:2

aforesaid [1] 7:8

afterwards [1] 7:6

appearances [1] 3:10

appearing [1] 3:13

applicable [1] 7:19

application [6] 3:4, 19;

4:5, 14; 5:11; 6:8

approved [1] 4:15

arrived [1] 5:12

assigned [2] 3:2, 9

attendance [1] 5:22

attorney [2] 7:13, 15

available [1] 4:2

-- B --

behalf [1] 3:13

board [6] 3:2, 20, 24;

4:13, 20, 22

board's [1] 5:11

boehm [2] 3:12, 13

bp [1] 3:13

bp-husky [6] 3:5, 19;

4:12, 14, 18, 19

business [1] 6:10

-- C --

calling [1] 5:23

caption [1] 7:11

captioned [1] 3:4

case [5] 3:3; 4:8; 5:2,

10; 6:7

certificate [2] 3:5, 20

certify [3] 7:4, 9, 12

chance [2] 5:15, 16

civil [1] 7:19

commence [1] 4:9

commission [3] 4:11;

6:17; 8:8

commissloned [1] 7:3

company [4] 3:11; 4:24;

5:1; 6:6

compatibility [1] 3:6

completed [1] 3:24

consideration [1] 5:11

construct [1] 3:21

contract [1] 7:18

copies [1] 4:1

county [1] 3:22

court [3] 5:4, 6; 7:17

cover [1] 6:10

cross-examination [1]

5:21

-- D --

day [1] 8:3

decide [1] 5:17

defined [1] 7:18

discuss [1] 6:8

duly [1] 7:3

-- E --

employee [2] 7:13, 15

employees [1] 6:6

encourage [2] 5:1; 6:6

entrance [1] 4:2

environmental [1] 3:6

evening [6] 3:1, 12; 4:6;

20; 6:2, 11

evening's [1] 6:14

evidence [1] 4:13

expires [1] 8:8

-- F --

fact [1] 5:24

fashion [1] 5:7

february [1] 8:3

filed [1] 3:19

financially [1] 7:16

firm [1] 7:17

folks [1] 5:2

foregoing [2] 7:7, 10

forward [1] 5:24

-- G --

given [2] 5:15; 7:8

giving [1] 6:1

-- H --

hand [1] 8:2

he'll [1] 5:5

hearing [11] 3:2, 10;

4:7, 9, 12, 16, 19; 5:2, 5;

6:14, 19

hereby [1] 7:4

hereunto [1] 8:1

hussey [6] 3:1, 8, 15,

18; 6:4, 13

-- I --

interested [2] 6:1; 7:16

investigation [1] 4:1

-- J --

january [3] 4:1, 10; 6:15

joining [1] 6:17

jr [2] 7:2; 8:5

judge [1] 3:9

-- K --

kilovolt [2] 3:7, 21

kurt [1] 3:13

-- L --

law [1] 3:9

list [1] 5:16

llc [3] 3:5, 14, 19

located [1] 4:3

lucas [1] 3:22

-- M --

matter [2] 3:4; 6:15

means [1] 5:6

members [1] 4:17

mr [1] 3:12

ms [5] 3:1, 15, 18; 6:4,

13

-- N --

name [2] 3:12; 5:19

name's [1] 3:8

notary [2] 7:2; 8:5

noticed [1] 5:4

-- O --

office [1] 8:2

offices [2] 4:10; 6:16

ohio [11] 3:1, 20, 22,

24; 4:11, 12, 19; 6:17;

7:3; 8:2, 6

okay [2] 3:18; 6:13

opportunity [4] 4:13,

17, 21, 23

order [1] 5:14

oregon [1] 3:22

overall [1] 4:7

-- P --

p.m. [1] 6:19

part [4] 3:23; 4:7; 5:9,

10

parties [6] 3:11, 16;

5:21; 7:6, 14, 15

pass [1] 5:18

place [2] 3:3; 7:10

please [1] 5:19

podium [1] 5:20

power [5] 3:2, 20, 24;

4:12, 20

presence [1] 7:5

present [3] 4:13, 17;

6:5

preside [1] 3:9

proceed [1] 4:6

proceeding [2] 3:23;

6:6

proceedings [3] 4:7;

7:4, 9

process [1] 4:6

project [3] 3:7; 4:18, 23

proposed [2] 4:18, 22

proposing [1] 3:21

provides [1] 4:16

public [9] 3:2, 6; 4:7,

11, 16, 17; 6:16; 7:2; 8:5

public's [1] 4:21

-- Q --

qualified [1] 7:4

questions [4] 4:5, 24;

5:3; 6:9

-- R --

rebecca [1] 3:8

record [2] 5:10; 6:4

recording [1] 5:7

reduced [1] 7:5

refining [5] 3:5, 14, 19;

4:12, 19

refining's [2] 4:14, 18

reflect [1] 6:4

regarding [2] 4:5, 14

relative [2] 7:13, 14

report [3] 3:24; 4:2, 4

reporter [2] 5:5, 6

reporting [1] 7:17

representatives [2]

3:16; 5:1

response [3] 3:17; 6:3,

12

robert [2] 7:2; 8:5

rpr [1] 8:5

rule [1] 7:19

-- S --

scheid [2] 7:2; 8:5

seal [1] 6:2

september [1] 3:18

sheet [1] 5:13

sheets [1] 4:3

sign [1] 5:15

sign-in [1] 4:3

sign-up [1] 5:12

signed [1] 5:14

siting [5] 3:2, 20, 24;

4:12, 20

specified [1] 7:11

staff [6] 3:23, 24; 4:2, 4,

20, 24

state [2] 7:3; 8:6

statement [1] 6:1

statements [1] 5:8

stenotype [1] 7:5

stick [2] 5:1; 6:7

subject [1] 5:21

substation [2] 3:7, 21

sworn [1] 5:20

-- T --

testify [4] 5:13, 16, 18;

6:5

testimony [5] 4:24; 5:9,

20; 7:8

thank [2] 3:15; 6:17

there's [1] 5:4

toledo [1] 8:2

tonight [3] 4:21; 5:7, 20

tonight's [4] 3:10; 4:6,

16; 5:9

transcribed [1] 7:6

transcribing [1] 5:5

transcription [1] 7:7

true [1] 7:7

typewritten [1] 5:7

-- U --

utilities [2] 4:11; 6:16

-- V --

views [1] 4:18

-- W --

we'll [2] 5:13; 6:14

we've [1] 5:16

wednesday [1] 6:15

whereof [1] 8:1

wishes [2] 5:13; 6:5

witness [2] 5:18; 8:1

witnesses [2] 5:14, 24

--Y--

you'll [1] 5:15