

BEFORE THE OHIO POWER SITING BOARD

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In the Matter of the :
Application of BP-Husky :
Refining, LLC for a :
Certificate of Environmental : Case No. 09-750-EL-BSB
Compatibility and Public :
Need for a 138/69 kV :
Substation in Oregon, Lucas :
County, Ohio :

- - -

PROCEEDINGS

Before Rebecca Hussey, Hearing Examiner, at the Public
Utilities Commission of Ohio, 180 East Broad Street,
Room 11-C, Columbus, Ohio, called at 10:03 a.m. on
Wednesday, January 27, 2010.

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ARMSTRONG & OKEY, INC.
222 East Town Street, Second Floor
Columbus, Ohio 43215-4620
(614) 224-9481 - (800) 223-9481
Fax - (614) 224-5724

- - -

1 APPEARANCES:

2 Richard Cordray, Ohio Attorney General
3 By Anne L. Hammerstein, Esq.
4 Assistant Attorney General
5 Public Utilities Section
6 180 East Broad Street, 9th Floor
7 Columbus, Ohio 43215-3793

8 By Margaret A. Malone, Esq.
9 Assistant Attorney General
10 Environmental Enforcement Section
11 30 East Broad Street, 25th Floor
12 Columbus, Ohio 43215

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

15 Boehm, Kurtz & Lowry
16 By Kurt J. Boehm, Esq.
17 36 East Seventh Street, Suite 1510
18 Cincinnati, Ohio 45202

19 On behalf of BP-Husky Refining, LLC.

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1 - Staff Report of Investigation

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COMPANY EXHIBITS

1 - Application filed by BP-Husky

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2 - Proof of Publication notices

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1 Ohio, 43215, and I'd also like to enter the appearance
2 of Margaret A. Malone, Assistant Attorney General,
3 Environmental Enforcement Section, 30 East Broad
4 Street, 25th Floor, Columbus, Ohio, 43215.

5 HEARING EXAMINER HUSSEY: Thank you. Are
6 there any preliminary matters or motions that need to
7 be addressed before we take the first witness?

8 MS. HAMMERSTEIN: I just have a couple of
9 exhibits to mark, Your Honor.

10 HEARING EXAMINER HUSSEY: Okay. Go ahead.

11 MS. HAMMERSTEIN: I'd like to mark as Staff
12 Exhibit No. 1 the Staff Report of Investigation in
13 BP-Husky Refining 138/69 kilovolt Substation, Case No.
14 09-750-EL-BSB. That was docketed on January 5th of
15 2010.

16 HEARING EXAMINER HUSSEY: Okay. Staff
17 Exhibit No. 1; correct?

18 MS. HAMMERSTEIN: Yes.

19 HEARING EXAMINER HUSSEY: So marked.

20 MS. HAMMERSTEIN: Then I'd like to have
21 marked the following document as Joint Exhibit No. 1,
22 the Joint Stipulation and Recommended Findings of Fact
23 and Conclusions of Law, docketed in this matter on
24 January 26th of 2010, and that -- the Stipulation is
25 signed by the Staff of the Power Siting Board and

1 BP-Husky Refining.

2 HEARING EXAMINER HUSSEY: Okay. So marked as
3 Joint Exhibit No. 1.

4 MS. HAMMERSTEIN: Thank you, Your Honor. The
5 Staff of the Power Siting Board calls James O'Dell to
6 the stand.

7 HEARING EXAMINER HUSSEY: Okay. Raise your
8 right hand.

9 JAMES S. O'DELL,
10 being first duly sworn, as prescribed by law, was
11 examined and testified as follows:

12 HEARING EXAMINER HUSSEY: Please be seated
13 and state your name and business address.

14 THE WITNESS: James S. O'Dell, capital O,
15 apostrophe, capital D-e-l-l, 180 East Broad Street,
16 Sixth Floor, Columbus, Ohio, 43215.

17 DIRECT EXAMINATION

18 By Ms. Hammerstein:

19 Q. Good morning, Mr. O'Dell.

20 A. Morning.

21 Q. By whom are you employed?

22 A. Public Utilities Commission of Ohio and the
23 Ohio Power Siting Board.

24 Q. How long have you been employed with the
25 Commission and the Board?

1 A. Close to 19 years.

2 Q. What is your position?

3 A. Utilities Specialist 3.

4 Q. Could you please describe your educational
5 background and experience as they relate to your job
6 duties?

7 A. Sure. I have a Bachelor of Science in
8 Political Science from The Ohio State University in
9 1988, also a Bachelor of Science in Sociology in 1997
10 from The Ohio State University. I have a Master's in
11 City and Regional Planning from The Ohio State
12 University in 1992, and I've completed significant
13 course work at Central Michigan University for a second
14 Masters's in Public Policy.

15 Q. And can you tell us how many cases you've
16 participated in on behalf of the Board?

17 A. Probably over 200 proceedings before the
18 Power Siting Board during that time and over three
19 dozen major application proceedings as well.

20 Q. Thank you. Are you familiar with the
21 documents that were just marked as Staff Exhibit 1 and
22 Joint Exhibit 1?

23 A. Yes, I am.

24 Q. How did you gain your knowledge of those two
25 exhibits and the other information in the record in

1 this case?

2 A. I was the lead analyst for this project, and
3 we conducted a full investigation of the proposed
4 substation, and I participated in the negotiations with
5 the Applicant regarding the Stipulation.

6 Q. Okay. Do you have any changes or corrections
7 to be made to either Staff Exhibit 1 or Joint Exhibit 1
8 at this time?

9 A. No, I do not.

10 Q. Is the information contained in Staff Exhibit
11 1 and Joint Exhibit 1 true and correct, to the best of
12 your knowledge?

13 A. Yes, it is.

14 Q. Given your education, experience, and the
15 investigation you conducted along with the Staff in
16 this case, what is your recommendation to the Power
17 Siting Board regarding Joint Exhibit 1?

18 A. I would recommend that the Board adopt it in
19 its entirety.

20 MS. HAMMERSTEIN: Thank you, Your Honor. The
21 witness is available for cross-examination.

22 HEARING EXAMINER HUSSEY: Does any other
23 party have any questions for Mr. O'Dell at this time?

24 MR. BOEHM: I don't have any questions for
25 Mr. O'Dell at this time.

1 HEARING EXAMINER HUSSEY: Neither do I, Mr.
2 O'Dell. You're excused.

3 (Witness excused.)

4 MS. HAMMERSTEIN: Thank you, Your Honor. At
5 this time I'd like to move for the admission of Staff
6 Exhibit 1 and Joint Exhibit 1.

7 HEARING EXAMINER HUSSEY: Any objections?

8 MR. BOEHM: No, Your Honor.

9 HEARING EXAMINER HUSSEY: Those exhibits,
10 Staff Exhibit No. 1, which is the Staff Report of
11 Investigation filed on January 5th, 2010, and Joint
12 Exhibit No. 1, which is the Joint Stipulation and
13 Recommendation signed by counsel for the Applicant,
14 Staff, and ATSI dated January 26, 2010, will be
15 admitted.

16 (EXHIBITS ADMITTED INTO EVIDENCE.)

17 MS. HAMMERSTEIN: Your Honor, it was not
18 signed by ATSI.

19 HEARING EXAMINER HUSSEY: It was not signed
20 by ATSI. My apology. Okay.

21 Counsel for the Company, would you like to
22 have some exhibits marked at this time point in time?

23 MR. BOEHM: I believe everything has been
24 docketed. Do I need to mark the application?

25 HEARING EXAMINER HUSSEY: Let's go ahead and

1 mark the application and your publication notices, if
2 you would.

3 MR. BOEHM: Okay. We can move for the
4 admission of we'll call BP Exhibit 1, the application
5 of BP-Husky Refining, LLC that was filed on September
6 23rd, 2009.

7 HEARING EXAMINER HUSSEY: Let's mark the
8 application as Company Exhibit 1. And then publication
9 notices from the Board?

10 MR. BOEHM: Yes.

11 HEARING EXAMINER HUSSEY: Of November 10th,
12 2009, I believe.

13 MR. BOEHM: Do I need to mark all three of
14 the publication notices?

15 HEARING EXAMINER HUSSEY: Let's go ahead and
16 mark them altogether.

17 MR. BOEHM: BP moves for the admission of
18 Applicant Exhibit 2, which is the Proof of Publication
19 of Notice of Public Informational Meeting filed on
20 September 8th, 2009, the Proof of Publication of the
21 public hearing which was filed on December 10th, 2009.
22 I'm sorry. That's the first notice, and the second
23 notice, Proof of Publication of the public hearing
24 filed on January 13th, 2010.

25 HEARING EXAMINER HUSSEY: Those exhibits will

1 be so marked.

2 Does any party have any objections to the
3 admission of those exhibits?

4 MS. HAMMERSTEIN: No objection, Your Honor.

5 HEARING EXAMINER HUSSEY: Okay. And the
6 application filed on September 23rd and certified by
7 the Board on November 3rd, 2009, will be admitted as
8 Applicant Exhibit 1, and the Proof of Publication as
9 determined earlier will be admitted as Applicant
10 Exhibit No. 2.

11 (EXHIBITS ADMITTED INTO EVIDENCE.)

12 HEARING EXAMINER HUSSEY: Are there any other
13 matters that we need to consider at this point in
14 time?

15 MS. HAMMERSTEIN: None that Staff is aware
16 of, no.

17 HEARING EXAMINER HUSSEY: This case will be
18 submitted on the record, and we will be adjourned
19 today. Thank you very much.

20 (Thereupon, the hearing was concluded at
21 10:12 a.m.)

CERTIFICATE

I do hereby certify that the foregoing is
a true and correct transcript of the proceedings taken
by me in this matter on Wednesday, January 27, 2010,
and carefully compared with my original stenographic
notes.

Valerie J. Sloas, Registered
Professional Reporter and Notary
Public in and for the State of
Ohio.

My commission expires June 8, 2011.

(VJS-740)

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 09-0750-EL-BSB

Summary: Transcript Transcript of BP Husky Refining, LLC hearing held on 01/27/10.
electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Sloas,
Valerie J. Mrs.