

BEFORE

OHIO POWER SITING BOARD

In the Matter of the Application of the City )  
of Hamilton and American Municipal )  
Power, Inc., for a Certificate of ) Case No. 10-2439-EL-BSB  
Environmental Compatibility and Public )  
Need for the Construction of a Substation )  
in Franklin and Washington Townships. )

In the Matter of the Application of the City  
of Hamilton and American Municipal )  
Power, Inc., for a Certificate of ) Case No. 10-2440-EL-BTX  
Environmental Compatibility and Public )  
Need for the Construction of a )  
Transmission Line in Franklin and )  
Washington Townships. )

ENTRY

The administrative law judge finds:

- (1) On May 4, 2011, the City of Hamilton and American Municipal Power, Inc. (collectively, Applicants) filed an application for a certificate of environmental compatibility and public need for the construction of a new transmission line in Franklin and Washington townships in Case No. 10-2440-EL-BTX. Simultaneously, Applicants filed an application for a certificate of environmental compatibility and public need for the construction of a new substation in Franklin and Washington townships in Case No. 10-2439-EL-BSB.
- (2) By entry issued July 27, 2011, Case Nos. 10-2440-EL-BTX and 10-2439-EL-BSB were consolidated. In addition, the July 27, 2011 entry scheduled the evidentiary hearing at 10:00 a.m., on October 18, 2011, in Columbus, Ohio, and directed that all expert and factual testimony to be offered by intervenors and Staff shall be filed by October 13, 2011.
- (3) During a telephone conference with all parties on October 12, 2011, Staff orally requested a one-week continuance of the evidentiary hearing from October 18, 2011, to October 25, 2011, as well as an extension of the deadline for filing expert and factual testimony to be offered by intervenors and Staff from

October 13, 2011, to October 20, 2011. No party objected to the continuance of the evidentiary hearing or the extension of the deadline for filing expert and factual testimony to be offered by intervenors and Staff.

- (4) By entry issued October 13, 2011, the administrative law judge (ALJ) granted Staff's request for a continuance of the evidentiary hearing from October 18, 2011, to October 25, 2011, and extended the deadline for filing expert and factual testimony to be offered by intervenors and Staff from October 13, 2011, to October 20, 2011. Additionally, the ALJ required that, if any additional motion was made, memorandum contra would be filed within two business days and reply memoranda to memorandum contra would not be accepted. Finally, the ALJ required service of pleadings via electronic mail to all other parties and the ALJs.
- (5) On October 18, 2011, Applicants and Staff filed a joint motion for a continuance of the evidentiary hearing and an extension of the deadline to file Staff testimony. Specifically, Applicants and Staff state that necessary witnesses will not be available to appear on October 25, 2011, and that further settlement discussion is desired. Consequently, Applicants and Staff request that the evidentiary hearing be continued from October 25, 2011, to November 3, 2011, and that the deadline to file Staff testimony be extended from October 20, 2011, to October 31, 2011. No party objected to the joint motion.
- (6) The ALJ finds that the joint motion for a continuance of the evidentiary hearing and extension of the deadline to file Staff testimony is reasonable and should be granted and that the extension of the deadline to file expert and factual testimony to be offered by the intervenors should similarly be extended. Therefore, the evidentiary hearing shall commence on November 3, 2011, at 10:00 a.m., in Hearing Room 11-D, 11<sup>th</sup> Floor, at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215, and the deadline for filing expert and factual testimony to be offered by the Staff and intervenors should be extended to October 31, 2011.

It is, therefore,

ORDERED, That the joint motion for a continuance of the evidentiary hearing and the extension of the deadline for filing expert and factual testimony be granted. It is, further,

ORDERED, That the evidentiary hearing be continued from October 25, 2011, to November 3, 2011, as set forth in Finding (6). It is, further,

ORDERED, That the deadline for expert and factual testimony to be offered by intervenors and Staff be extended from October 20, 2011, to October 31, 2011, as set forth in Finding (6). It is, further,

ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

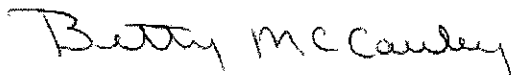
OHIO POWER SITING BOARD



By: Scott Farkas  
Administrative Law Judge

grg/sc

Entered in the Journal  
OCT 20 2011



Betty McCauley  
Secretary