

BEFORE THE OHIO POWER SITING BOARD

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In The Matter of: :
The Application of :
American Transmission :
Systems, Inc. for a : Case No. 11-4152-EL-BSB
Certificate of :
Environmental :
Compatibility and Public :
Need for the Construction :
of the Fulton Substation. :

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PROCEEDINGS

before Ms. Katie Stenman, Hearing Examiner, at the
Public Utilities Commission of Ohio, 180 East Broad
Street, Room 11-C, Columbus, Ohio, called at 10:00
a.m. on Monday, November 26, 2012.

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APPEARANCES:

FirstEnergy
By Ms. Anne M. Juterbock
76 South Main Street
Akron, Ohio 44308

Porter, Wright, Morris & Arthur
By Mr. Robert J. Schmidt
41 South High Street
Columbus, Ohio 43215

On behalf of the Company.

Mike DeWine, Ohio Attorney General
By Mr. William L. Wright
Assistant Attorney General,
Public Utilities, Section Chief
180 East Broad Street
Columbus, Ohio 43215

By Ms. Summer Koladin-Plantz
Assistant Attorney General
Environmental Enforcement
30 East Broad Street, 25th Floor
columbus, Ohio 43215

On behalf of the Staff.

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24
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INDEX

- - -

WITNESS PAGE

SCOTT HUMPHRYS

Direct Examination by Ms. Juterbock 6

- - -

APPLICANT'S EXHIBITS IDFD ADMTD

1 - Application 7 12

2 - Notice of Publication 8 12

3 - Initial Written Testimony of S. Humphrys 9 12

- - -

JOINT EXHIBIT IDFD ADMTD

1 - Joint Stipulation 10 12

- - -

STAFF EXHIBIT IDFD ADMTD

1 - Staff Report 12 13

- - -

1 Monday Morning Session,
2 November 26, 2012.

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4 HEARING EXAMINER: Let's go on the
5 record.

6 The Ohio Power Siting Board has called
7 for hearing at this time and place Case No.
8 11-4152-EL-BSB, being In the Matter of the
9 Application of American Transmission Systems,
10 Incorporated, for a Certificate of Environmental
11 Compatibility and Public Need for the Construction of
12 Fulton Substation.

13 My name is Katie Stenman, I'm the
14 Administrative Law Judge assigned by the Board to
15 preside over the case.

16 Let's start by taking appearances.

17 MS. JUTERBOCK: Your Honor, Anne
18 Juterbock on behalf of American Transmission Systems,
19 Inc., the applicant.

20 MR. SCHMIDT: Robert Schmidt on behalf of
21 American Transmission Systems.

22 MR. HUMPHRYS: Scott Humphrys, American
23 Transmission Systems, Inc.

24 MR. WRIGHT: On behalf of the Ohio Power
25 Siting Board staff, Ohio Attorney General Mike

DeWine's office, my name is Bill Wright, 180 East Broad Street, 6th Floor, Columbus, Ohio.

And I'd also like to enter the appearance of Summer J. K-o-l-a-d-i-n, Plants, P-l-a-n-t-z. She is with the Environmental Enforcement Section of the office, 30 East Broad Street, 25th Floor, Columbus, Ohio, both cases the zip code is 43215.

HEARING EXAMINER: Thank you.

Before we move on to the stipulation we do have a couple of pending motions. The first one is a motion for protective order filed on September 26, 2012, by ATSI. That protective order is regarding 16 diagrams that are listed in the Need section of the application.

At this time I find that these diagrams contain trade secret and critical energy infrastructure information and therefore the motion for protective is granted and the information will remain protected for a period of 18 months. This will be memorialized in the opinion and order that will be forthcoming.

Also on November 29, 2012, staff filed a motion to accept the late-filed Staff Report as timely filed. That motion will also be granted.

I just want to note for the record we

1 have no public witnesses with us at this time.

2 And at this point I do believe we have a
3 stipulation?

4 MS. JUTERBOCK: We have one witness to
5 call to support the stipulation, Mr. Scott Humphrys.

6 (Witness sworn.)

7 - - -

8 SCOTT HUMPHRYS

9 being first duly sworn, as prescribed by law, was
10 examined and testified as follows.

11 DIRECT EXAMINATION

12 By Ms. Juterbock:

13 Q. Morning, Mr. Humphrys.

14 A. Morning.

15 Q. Would you state for the record your name?

16 A. Scott Humphrys, H-u-m-p-h-r-y-s.

17 Q. Where do you work?

18 A. FirstEnergy Service Company.

19 Q. And your business address?

20 A. 76 South Main Street, Akron, Ohio.

21 Q. How long have you worked for FirstEnergy
22 and its predecessors or affiliates?

23 A. Since May of 2008.

24 Q. Thank you.

25 MS. JUTERBOCK: Now, your Honor, may I

1 please approach the witness?

2 HEARING EXAMINER: You may.

3 Q. Mr. Humphrys, I have handed you what has
4 been marked for identification purposes as
5 Applicant's Exhibit 1. Have you seen this document
6 before?

7 A. Yes.

8 Q. Can you tell me what Exhibit 1 is?

9 A. It's American Transmission Systems,
10 Inc.'s application to the Ohio Power Siting Board for
11 certifications of environmental compatibility and
12 public need for the Fulton Substation project.

13 Q. What was your involvement in the
14 preparation of this document?

15 A. I was a lead for the project and it was
16 prepared by me or under my supervision.

17 Q. And to the best of your information and
18 belief is the information contained in this
19 application true and accurate?

20 A. It is.

21 HEARING EXAMINER: Let's go off the
22 record for a moment.

23 (Off the record.)

24 HEARING EXAMINER: Let's go back on the
25 record.

1 Q. Mr. Humphrys, I'm handing you what's been
2 marked for identification purposes as Applicant's
3 Exhibit 2. Have you seen these documents before?

4 A. Yes.

5 Q. Do you know what these documents are?

6 A. I do.

7 Q. What are these documents?

8 A. These are the first and second public
9 notices for the Fulton Substation project.

10 Q. Does it include affidavits confirming
11 publication of the public notices from the Toledo
12 Blade, Swanton Enterprise, and the Delta Atlas?

13 A. Yes.

14 Q. And what is the date of publication for
15 the first notice based on the information in front of
16 you?

17 A. The Toledo Blade was published in
18 September 27, 2012; the Delta Atlas was published
19 October 3, 2012; and the Swanton Enterprise was
20 published October 2, 2012.

21 Q. And what was the date of the public
22 notice for the second notice of public hearing?

23 A. The Toledo Blade was published October 30
24 2012; the Swanton Enterprise was published
25 October 30, 2012; and the Delta Atlas was published

1 October 31, 2012.

2 Q. Are these public notices and affidavits
3 true and accurate to the best of your knowledge?

4 A. Yes.

5 Q. Mr. Humphrys, I am handing you what has
6 been marked for identification purposes as Applicant
7 Exhibit 3. Are you familiar with this document?

8 A. Yes.

9 Q. Can you tell me what this document is?

10 A. It is my initial written testimony.

11 Q. Did you prepare this testimony?

12 A. Yes.

13 Q. Was it filed in this proceeding?

14 A. Yes.

15 Q. Is there anything in this initial
16 testimony that has been filed with the Board in these
17 proceedings that you wish to change at this time?

18 A. There is. In Attachment A, page 2, the
19 question at line 22 says "Have you ever had to
20 testify previously in Ohio Power Siting Board or
21 other electric-utility proceedings?"

22 I answered "No." At the time this was
23 written it was correct. But within the last week on
24 November 20 I testified in the A substation project.

25 Q. Thank you.

1 And is your testimony true and accurate
2 to the best of your knowledge?

3 A. Yes.

4 Q. Mr. Humphrys, are you familiar with the
5 fact that the parties have entered into a joint
6 stipulation in this case?

7 A. Yes.

8 Q. I'm handing you what's been marked as
9 Joint Exhibit 1. Are you familiar with this
10 document?

11 A. Yes.

12 Q. Can you tell me what this document is?

13 A. It is the joint stipulation and
14 recommended findings of fact and conclusions of law
15 for the Fulton Substation project.

16 Q. Are you familiar with the recommendations
17 and the joint stipulation regarding construction of
18 the Fulton transmission substation?

19 A. Yes.

20 Q. Is American Transmission Systems, Inc. as
21 the applicant of these proceedings in agreement with
22 the terms and conditions of the joint stipulation?

23 A. Yes.

24 Q. Does the joint stipulation represent a
25 product of serious bargaining among capable,

1 knowledgeable parties?

2 A. It does. ATSI's and OPSB statute were
3 present and actively negotiated while being
4 represented by counsel.

5 Q. Does the joint -- does the joint
6 stipulation benefit consumers and public interest?

7 A. Yes, it does. The Fulton Substation is
8 going to reinforce ATSI's bulk electric transmission
9 systems and Toledo Edison service territory, the
10 western portion of it.

11 Q. Does the joint stipulation violate any
12 important regulatory principles and practices?

13 A. No.

14 MS. JUTERBOCK: I have no further
15 questions for the witness at this time. And at this
16 time I'd like to move for the admission of the
17 exhibits: Exhibit 1, the application; Exhibit 2, the
18 affidavits confirming publication of the first and
19 second public notices and public hearings and
20 adjudicatory hearings in these proceedings;
21 Exhibit 3, the initial written testimony of Scott
22 Humphrys which I believe has already been filed in
23 these proceedings; and then also the admission of the
24 Joint Exhibit 1, the joint stipulation.

25 HEARING EXAMINER: Okay, thank you.

1 Mr. Wright, any questions?

2 MR. WRIGHT: We have no questions for the
3 witness, and we have no objection to the admission of
4 the aforementioned exhibits.

5 HEARING EXAMINER: Thank you.

6 Mr. Humphrys, you're excused.

7 Applicant's Exhibits 1 through 3 and
8 Joint Exhibit 1 will be admitted.

9 (EXHIBITS ADMITTED INTO EVIDENCE.)

10 MR. WRIGHT: Can we go off the record for
11 just a moment?

12 HEARING EXAMINER: We can.

13 (Off the record.)

14 HEARING EXAMINER: Let's go back on the
15 record.

16 Mr. Wright?

17 MR. WRIGHT: Yes, thank you, your Honor.
18 We would like to mark at this time the remaining
19 exhibit in the case, Staff Exhibit No. 1, and that
20 would be the Staff Report of Investigation that was
21 prepared in this case and filed on October 29. And
22 I'd move its admission.

23 (EXHIBIT MARKED FOR IDENTIFICATION.)

24 HEARING EXAMINER: Thank you.

25 Any objection?

1 MS. JUTERBOCK: None.

2 HEARING EXAMINER: Hearing none, Staff

3 Exhibit 1 will being admitted.

4 (EXHIBIT ADMITTED INTO EVIDENCE.)

5 HEARING EXAMINER: Is there anything else
6 we need to talk about today?

7 Hearing nothing else, we're adjourned.

8 Thank you.

9 (Hearing adjourned at 10:12 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 Monday, November 26, 2012, and carefully compared with my original stenographic notes.

Julieanna Hennebert, Registered Professional Reporter and RMR and Notary Public in and for the State of Ohio.

My commission expires February 19, 2013.

(JUL-1930)

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This foregoing document was electronically filed with the Public Utilities

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11/30/2012 9:39:37 AM

in

Case No(s). 11-4152-EL-BSB

Summary: Transcript of Application of American Transmission Systems, Inc. hearing held on 11/26/12 electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Hennebert, Julieanna Mrs.