

BEFORE THE OHIO POWER SITING BOARD

- - -

In the Matter of the :
Application of AEP Ohio :
Transmission Company, :
Inc., for a Certificate of:
Environmental : Case No. 12-1361-EL-BSB
Compatibility and Public :
Need for the Construction :
of the Biers Run Station. :
- - -

PROCEEDINGS

before Mr. Jay S. Agranoff, Administrative Law Judge,
at the Pioneer School for Developmental Disabilities,
11268 County Road 550, Chillicothe, Ohio, called at
6 p.m. on Tuesday, June 11, 2013.

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PUBLIC STATEMENTS - CHILLICOTHE, OHIO

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1 APPEARANCES:

2 AEP Ohio Transmission Company, Inc.
3 By Ms. Erin C. Miller
4 and Mr. Matthew J. Satterwhite
5 One Riverside Plaza
6 Columbus, Ohio 43215

7 On behalf of the Applicant.

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1 Tuesday Evening Session,
2 June 11, 2013.

3 - - -

4 ALJ AGRANOFF: Why don't we go on the
5 record at this time.

6 The Ohio Power Siting Board has assigned
7 for public hearing at this time and place Case No.
8 12-1361-EL-BSB which is captioned in the Matter of
9 the Application of AEP Ohio Transmission Company,
10 Inc., For a Certificate of Environmental
11 Compatibility and Public Need for the Construction of
12 the Biers Run Station.

13 My name is Jay Agranoff, and I'm the
14 Administrative Law Judge assigned by the Ohio Power
15 Siting Board to preside over this evening's local
16 public hearing. Also with me this evening are
17 Mr. Steve Irwin and Mr. Matt Butler from the Ohio
18 Power Siting Board staff. The three of us are
19 available if you have any questions concerning this
20 application or any other utility matter. Feel free
21 to approach us after this evening's public hearing,
22 and we'll be happy to discuss any matters that you
23 might have.

24 At this time we'll have the appearances
25 of the parties in this particular proceeding. On

1 behalf of the Applicant.

2 MS. MILLER: Thank you, your Honor. Erin
3 Miller on behalf of AEP Ohio Transmission Company,
4 One Riverside Plaza, Columbus, Ohio 43215. At this
5 time I would also like to enter an appearance on
6 behalf of my colleague who couldn't be here this
7 evening, Matthew Satterwhite.

8 ALJ AGRANOFF: Thank you.

9 MS. MILLER: Thank you.

10 ALJ AGRANOFF: Is counsel from the Ohio
11 Power Siting Board here this evening?

12 Let the record reflect that there is no
13 counsel here on behalf of the Ohio Power Siting
14 Board.

15 Are there any other entities who would
16 like to make a formal appearance in this proceeding?

17 Let the record reflect that there are no
18 such entities.

19 As I had explained earlier when we were
20 off the record, the subject of today's hearing is
21 limited to the application filed on December 20,
22 2012, by AEP Ohio Transmission Company, Inc., seeking
23 approval for the construction of a new 345/138/69 kV
24 substation near Chillicothe, Ohio. The Applicant
25 submitted that the new substation facilities will

1 improve reliability, reinforce the 138 kV and 69 kV
2 systems in the area to mitigate low voltage in the
3 event of an outage and address thermal loading issues
4 during peak load and outage conditions.

5 The Applicant proposes to locate the new
6 substation on an approximately 102 acre piece of
7 property located about 4 miles northwest of the City
8 of Chillicothe between Biers Run Road and State Route
9 35. According to the Applicant the size of the
10 substation will be approximately 8.5 acres, will go
11 back 3.5 acres for an access drive.

12 According to the application the
13 Applicant plans to start construction of the
14 substation in the third quarter of 2013 beginning
15 with the station access road and associated bridge.
16 The estimated in-service date is approximately second
17 quarter of 2015.

18 The purpose of this evening's public
19 hearing is to receive comments from you regarding AEP
20 Transmission Company's application in this case.
21 This is not a question and answer session but instead
22 is your opportunity to let the Ohio Power Siting
23 Board know what you think about the proposal set
24 forth in the company's application.

25 There is also, as I mentioned previously,

1 an evidentiary hearing scheduled to be held in this
2 case on June 25, 2013, at the Board's offices in
3 Columbus.

4 I would also note that the Board's staff
5 filed its Report of Investigation on May 23, 2013.
6 This is simply a recommendation of the Board's staff
7 and does not necessarily reflect what the Board's
8 final determination will be in this case.

9 Now, before we actually go forward, I
10 would like to get an update from the Applicant
11 regarding the notifications that were filed that were
12 provided to the adjacent landowners.

13 MS. MILLER: Yes. Your Honor, pursuant
14 to Section 4906-5-08 of the Ohio Administrative Code
15 AEP Ohio Transmission Company did, in fact, mail out
16 letters of notification pursuant to that rule on May
17 28, 2013, and proof of service of those letters of
18 the -- of the return receipts were docketed -- were
19 filed in this docket yesterday on June 10.

20 ALJ AGRANOFF: Thank you. And do you
21 know approximately how many landowners that
22 encompasses?

23 MS. MILLER: Yeah. There are four
24 landowners affected, landowners that received the
25 letters.

1 ALJ AGRANOFF: Okay. Thank you.

2 MS. MILLER: Thank you.

3 ALJ AGRANOFF: The Board appreciates your
4 participation in tonight's hearing, and we want
5 everyone who is interested to have the opportunity to
6 testify.

7 As I mentioned earlier, I have a list of
8 individuals that have indicated their desire to
9 testify. I'll call your name as it appears on the
10 sign-up sheet, and when I call your name, please come
11 forward, I will swear you in, and then you'll have
12 the opportunity to testify. When you do so, please
13 remember to give your full name and your full
14 address.

15 And with that why don't we begin. If
16 Mr. Paul Martin can come forward, please. And, sir,
17 if you want to use the mic, you are more than
18 welcome. Please raise your right hand, sir.

19 - - -

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

23 DIRECT EXAMINATION

24 ALJ AGRANOFF: If you could please state
25 your full name and address.

1 THE WITNESS: Paul Martin, 514 Golfview
2 Drive. I'm here initially out of concern for the
3 route, the blue route. I didn't know this was a
4 separate issue so I have nothing that is relevant to
5 the substation.

6 ALJ AGRANOFF: Thank you, sir.

7 Mr. Ray Shorts -- I'm sorry, Storts.
8 Please come forward, Mr. Storts.

9 MR. STORTS: Mine was just not to testify
10 as such but just to represent Unioto.

11 ALJ AGRANOFF: Okay. Thank you, sir.
12 And Mr. Cormany.

13 MR. CORMANY: Cormany.

14 ALJ AGRANOFF: Yes. Please come forward,
15 sir. Right there, sir. Please raise your right
16 hand.

17 - - -

18 RICHARD CORMANY
19 being first duly sworn, as prescribed by law, was
20 examined and testified as follows:

21 DIRECT EXAMINATION

22 ALJ AGRANOFF: Thank you. Your full
23 name, sir, and your full address.

24 THE WITNESS: Richard Earl Cormany, 3287
25 Biers Run Road, Chillicothe, Ohio.

We represent the closest house in proximity to the alternate site, and if you go to the page 11 in the Staff Report Investigation, it says there are no residents located within a thousand feet of the preferred site. One residence is located approximately 700 feet from the alternate footprint. This residence is located to the east of the site across Biers Run Road.

Well, that's us so we would be the most impacted resident to the site on the alternate site so naturally of the two, if we have to have the substation at all, we would prefer that it be the one that the -- that AEP also prefers which in the picture is the red site. It is furthest from our house. It's also the furthest distance from any house so it impacts the residents to a much lesser extent than this what they now call the alternate site.

If they were to choose the alternate site, it would impact us along the entire distance of our farm boundary line on the west. It would be right up against our farm boundary, go across Biers Run Creek, and continue past our house along the -- what would that be, the east side for the entire distance of this western boundary of our farm. Our

1 house is this little yellow dot located right here.
 2 This farmhouse here is abandoned. No one lives in
 3 that so we definitely prefer the site that AEP has
 4 selected as their preferred site.

5 ALJ AGRANOFF: Sir, just so I can clarify
 6 the record, when you are referencing the dot, can you
 7 just identify the document that you are looking at?

8 THE WITNESS: Okay. The document is in
 9 the overview map 12-1361-EL-BSB, Biers Run Substation
 10 Report, and it's an AEP document, I assume.

11 ALJ AGRANOFF: That was part of the Staff
 12 Report?

13 THE WITNESS: It's part of the handout
 14 tonight. It is not in the purple investigation.

15 ALJ AGRANOFF: It's included as part of
 16 the staff's.

17 THE WITNESS: Okay. Then, yes, it is.

18 ALJ AGRANOFF: Thank you.

19 THE WITNESS: To AEP we are this little
 20 yellow dot right here. In addition, I would also
 21 like to point out that the -- one of the routes of
 22 the power line would follow our boundary line from
 23 the -- whichever substation they choose along this
 24 side and then turn a 90-degree angle at the end of
 25 our property and follow our boundary line another

1 mile -- quarter mile or so along the backside of it
 2 so the -- one of the proposed routes which they call
 3 the red route to the power line would impact one-half
 4 of our total boundary line of our farms, the east
 5 side, the west side, and the northwest side, and the
 6 east side, northeast side of our farm, each of which
 7 in the range of maybe a quarter of a mile. So we
 8 would be doubly impacted by the substation and the
 9 power lines, particularly in most -- particularly if
 10 they chose this alternate site, the yellow one, so we
 11 are sincerely hoping that they choose what's on here
 12 is a red site which is their preferred site tonight.
 13 Thank you.

14 ALJ AGRANOFF: Thank you, sir.

15 Ms. Miller, do you have any questions?

16 MS. MILLER: No, thank you, your Honor.
 17 Thank you.

18 ALJ AGRANOFF: Appreciate that.

19 Mr. Scott Cormany.

20 MR. CORMANY: Yeah.

21 ALJ AGRANOFF: Please come forward, sir.

22 Please raise your right hand.

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SCOTT CORMANY

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

DIRECT EXAMINATION

ALJ AGRANOFF: Thank you. If you could
state your full name and address, please.

THE WITNESS: Scott Cormany, 3464 Biers
Run Road, Chillicothe, Ohio.

ALJ AGRANOFF: Thank you.

THE WITNESS: I don't have any of the
documents. Yeah, can I see that?

But to follow the previous speaker, my
father, I prefer the red site as well which is the
AEP preferred site. I do not prefer the yellow site.
It's closer to my parents and it's closer to me and
my wife and my wife's pregnant, 16 weeks pregnant.

UNIDENTIFIED SPEAKER: For the record.

THE WITNESS: For the record.

(Applause.)

THE WITNESS: And it would not only --
you know, it's extremely close to my parents, but it
would be close to us as well. And for my health and
for my wife and for the baby we want it as far away
as possible. It's going to affect the least amount
of people on the red site which is AEP's preferred

1 site as well. If it were up to me, we wouldn't have
2 a substation there at all because we were given two
3 options. It was the red and blue sites. Now, it's
4 the red and yellow. But it's two sites on the same
5 farm which impacts the same people, so to me it's not
6 two options. It's the same option.

7 It's not a good option for us. It's
8 going to hopefully not adversely affect our health,
9 but I'm pretty certain it's going to affect our land
10 values and our quality of life. So I just want to
11 state for the record that the red site is my
12 preferred site if a substation has to go next door to
13 me.

14 As far as the power line, same thing,
15 AEP's preferred route which actually goes south of
16 U.S. 35 runs the majority of its track along existing
17 easements and an abandoned railroad and existing
18 utility poles, existing right-of-ways, so it has the
19 least amount of impact to me because it already
20 follows existing right-of-ways, and it leads to an
21 existing substation. So that's really all I have.

22 ALJ AGRANOFF: Thank you, sir. Any
23 questions, Ms. Miller?

24 MS. MILLER: No, I don't. Thank you.

25 THE WITNESS: Thank you.

1 ALJ AGRANOFF: Erica Cormany.

2 Is there anybody else that came in late
3 or suddenly had a change of mind and would like to
4 speak?

5 Yes, sir.

6 UNIDENTIFIED SPEAKER: It's not sworn
7 testimony. Your distance as report it's more than
8 4.1 miles, probably closer to 8 miles.

9 ALJ AGRANOFF: Okay. Thank you.

10 I would like to thank everybody for
11 attending, and at this time, as I mentioned earlier,
12 we will wait probably about another 20 minutes or so
13 to see if anybody else may come in that would be
14 interested in testifying.

15 The other issue that I did want to raise
16 if there is anybody here from the media and they
17 would like to be on our service list for the purposes
18 of getting any releases that we may make in this
19 proceeding or any orders that are issued, we would be
20 happy to take your name and address and make sure
21 that you did receive those. So to that extent, if
22 you could let Mr. Butler know and he will be happy to
23 take that information back.

24 If there isn't anything else, then we'll
25 just be in recess for about another 20 minutes, and I

1 thank you all for being here. Thank you.

2 (Recess taken.)

3 ALJ AGRANOFF: At this time it is
4 7 o'clock, and we will now be concluding this
5 evening's proceeding since there is nobody else in
6 attendance interested in testifying. Thank you.

7 (Discussion off the record.)

8 ALJ AGRANOFF: At this time we have now
9 been made aware that there is one other individual
10 that would like to testify. And, sir, if you could
11 please go over to the podium and please raise your
12 right hand.

13 - - -

14 CONRAD B. DANA, II
15 being first duly sworn, as prescribed by law, was
16 examined and testified as follows:

17 DIRECT EXAMINATION

18 ALJ AGRANOFF: If you could please state
19 your full name and address, please.

20 THE WITNESS: Conrad B. Dana, II, 654
21 Golfview Drive, Chillicothe, Ohio 45601.

22 ALJ AGRANOFF: Thank you, sir.

23 THE WITNESS: This evening I was asked to
24 come to this meeting. We were told that the new
25 transmission lines would be coming into our area. I

1 guess that project hasn't been approved but then I
 2 came down here and I saw the plans and, you know, I
 3 talked to a bunch of people and I was a little
 4 disturbed, first of all, that we are given two
 5 options here on the place where we are going to be
 6 putting the plant and it's -- it's like A or B. It's
 7 not A, B, or even possibly C. They are basically the
 8 same option. It's kind going to slightly affect or
 9 even heavily affect one family, it sounds like.

10 But then I found out that this is totally
 11 unrelated to the transmission lines which to me is a
 12 little ridiculous that we have this -- we are putting
 13 in this giant plant, it's going to be affecting
 14 people, and there is a secondary plan to put in
 15 transmission lines. Obviously it's worthless without
 16 the transmission lines. And one of the options is
 17 going to put power lines within 200 feet of my house
 18 which is obviously very concerning to me and my
 19 family along with all of my neighbors.

20 So, first of all, I would like to say I
 21 think it's unfair to the public and to the people who
 22 live in this area that we're separating these two
 23 projects. They are not put together and that we're
 24 only giving -- getting kind of one option on where to
 25 put it so no matter what it's not going to have any

1 alternate plans for the transmission lines so what I
2 would like -- I would propose that we -- we don't put
3 the transmission line -- or we don't put the
4 substation in until we can come up with an alter --
5 I'm sorry, alternate site that's fair to everyone
6 involved, so.

7 I think that's all I have to say on the
8 matter. So thank you very much for listening.

9 ALJ AGRANOFF: Thank you, sir.

10 Ms. Miller?

11 MS. MILLER: I do have one question.

12 - - -

13 CROSS-EXAMINATION

14 By Ms. Miller:

15 Q. Between the two proposed sites as they
16 stand at this moment, which one do you prefer?

17 A. Which do I prefer?

18 Q. Uh-huh.

19 A. I have no preference.

20 Q. You have no preference, okay.

21 A. I would prefer a different -- I would
22 prefer to have a true alternate site.

23 Q. Okay. But between the two you don't have
24 a preference?

25 A. Well, after hearing testimony from other

1 people, I would have preference for the preferred
2 site based on how it's going to be affecting the
3 people that live in that area, so.

4 Q. Which is the red site.

5 A. Which is the red site.

6 MS. MILLER: Thank you. We appreciate
7 it.

8 THE WITNESS: Thank you very much.

9 ALJ AGRANOFF: Thank you, sir.

10 Is there anybody else?

11 MS. KERNS: Yes, I have something to say.

12 ALJ AGRANOFF: Please come forward.

13 Please raise your right hand.

14 - - -

15 KATHRYN KERNS

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

18 DIRECT EXAMINATION

19 ALJ AGRANOFF: Thank you. Please state
20 your full name and address.

21 THE WITNESS: My name is Kathryn Kerns,
22 9492 County Road 550, Chillicothe, Ohio.

23 I'm just here to testify that I'm opposed
24 to the substation at Biers Run for the same reason
25 that everyone is stating, that we are not truly being

1 given two alternatives. We are given one option with
2 two different substations, the same option, so I'm
3 opposed to the substation all together. That's my
4 testimony.

5 ALJ AGRANOFF: Thank you.

6 Ms. Miller?

7 - - -

8 CROSS-EXAMINATION

9 By Ms. Miller:

10 Q. I'll ask the same question that I asked
11 the prior gentleman. Do you have a preference
12 between the two sites as presented?

13 A. No, I do not. I would prefer that we be
14 given a true alternative.

15 MS. MILLER: Okay. Thank you.

16 ALJ AGRANOFF: Thank you.

17 Is there anybody else in attendance that
18 would like to testify?

19 Okay. If not, this --

20 MR. DANA: Can I ask you questions?

21 ALJ AGRANOFF: We do that off the record.

22 MR. DANA: She is asking me on the record
23 so I thought I would ask her on the record.

24 ALJ AGRANOFF: I would prefer we have
25 those discussions off the record.

1 At this time this public hearing has been
2 concluded, and I appreciate everybody's attendance.
3 Thank you.

4 (Thereupon, the hearing was adjourned at
5 7:10 p.m.)

6 - - -

7 CERTIFICATE

8 I do hereby certify that the foregoing is
9 a true and correct transcript of the proceedings
10 taken by me in this matter on Tuesday, June 11, 2013,
11 and carefully compared with my original stenographic
12 notes.

13
14
15 _____
16 Karen Sue Gibson, Registered
Merit Reporter.

17 (KSG-5718)

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in

Case No(s). 12-1361-EL-BSB

Summary: Transcript in the matter of AEP Ohio Transmission Company, Inc. hearing held on 06/11/13 electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Sloas, Valerie J. Mrs.