

BEFORE THE OHIO POWER SITING BOARD

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In the Matter of the :  
Application of Hardin Wind :  
LLC for a Certificate to :  
Construct a Wind-Powered : Case No. 13-1177-EL-BGN  
Electric Generation :  
Facility in Hardin and :  
Logan Counties, Ohio. :

In the Matter of the :  
Application of Hardin Wind :  
LLC for a Certificate of :  
Environmental Compatibility: Case No. 13-1767-EL-BSB  
and Public Need for a :  
Substation Project in :  
Hardin County, Ohio. :

In the Matter of the :  
Application of Hardin Wind :  
LLC for a Certificate of :  
Environmental Compatibility: Case No. 13-1768-EL-BTX  
and Public Need for a :  
345 kV Transmission Line :  
in Hardin County, Ohio. :

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PROCEEDINGS

before Scott Farkas, Administrative Law Judge, held at  
the offices of the Public Utilities Commission of Ohio,  
180 East Broad Street, Hearing Room 11-C, Columbus,  
Ohio, on Wednesday, January 22, 2014, at 10:07 a.m.,

- - -

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On behalf of Hardin Wind, LLC

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On behalf of Ohio Farm Bureau Federation

Mike DeWine, Ohio Attorney General  
Mr. Thomas G. Lindgren  
Mr. Steven Beeler  
Ms. Sarah Bloom Anderson  
180 East Broad Street, 6th Floor  
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On behalf of Staff of the Ohio Public  
Utilities Commission

Intervening Party

Joe Grant  
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Belle Center, Ohio 43310

Also Present:

Jason Dagger  
Seth Wilmore  
Michael Shepherd  
Diana Shepherd  
Edward Rogers  
Deb Grant  
Dale Arnold  
Jennifer Norris  
Steve Irwin  
Christina Burri  
Scott R. Stevenson

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Wednesday Morning Session,  
January 22, 2014.

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ALJ FARKAS: The Board has called for  
hearing at this time and place in the matter of the  
applications of Hardin Wind LLC for Certificate to  
Construct a Wind-Powered Electric Generation Facility,  
a Substation Project and a 345 kV Transmission Line.  
These are Case Nos. 13-1177-EL-BGN and 13-1767-EL-BSB  
and 13-1768-EL-BTX.

My name is Scott Farkas. I'm the  
Administrative Law Judge assigned to hear these cases.  
At this time I'll take appearances, first on behalf of  
the Company.

MR. SETTINERI: Thank you, your Honor. On  
behalf of Hardin Wind LLC, M. Howard Petericoff,  
Michael J. Settineri, Miranda Leppla from the law firm  
of Vorys, Sater, Seymour & Pease, LLP, 52 East Gay  
Street, Columbus, Ohio 43215.

ALJ FARKAS: On behalf of Staff?

MR. LINDGREN: On behalf of Ohio Power  
Siting Board Staff, Ohio Attorney General Mike DeWine,  
by Thomas G. Lindgren and Steven Beeler of the Public  
Utilities Section, 180 East Broad Street, 6th Floor,  
Columbus, Ohio 43215. And also Sarah Bloom Anderson of

1 the Environmental Enforcement Section at 30 East Broad  
2 Street, 25th Floor, Columbus, Ohio 43215.

3 ALJ FARKAS: Thank you. Mr. Grant, you  
4 want to note your name and address.

5 MR. GRANT: My name is Joe Grant. I live  
6 at 20616 State Route 68, north of Belle Center, Ohio.

7 ALJ FARKAS: Thank you. On behalf of the  
8 Farm Bureau?

9 MR. ENDSLEY: On behalf of the Ohio Farm  
10 Bureau Federation, Chad Endsley, Chief Legal Counsel,  
11 280 North High Street, P.O. Box 182383, Columbus, Ohio  
12 43218.

13 ALJ FARKAS: Thank you. Before we get  
14 started, is there anything preliminary we want to raise  
15 at this time?

16 MR. SETTINERI: Yes, your Honor. On behalf  
17 of the Company we'd like to address some procedural  
18 matters. Number one is the Company had filed a motion  
19 to file amended testimony of Kenneth Kaliski that was  
20 filed and stamped and we'd like to move today to allow  
21 for the admission of that testimony. I should say not  
22 the admission, but to place the amended -- replace the  
23 previously filed direct testimony with his amended  
24 testimony today.

25 ALJ FARKAS: Is there any objection to that

1 motion? No objection, then that will be granted.

2 MR. SETTINERI: Secondly, your Honor, just  
3 for the parties today, we would propose with the  
4 Company presenting the witnesses first, that Michael  
5 Speerschneider will be the first witness today followed  
6 by Mr. Kaliski and then Ryan Rupprecht.

7 ALJ FARKAS: Okay.

8 MR. SETTINERI: The last item, your Honor,  
9 in the status conference recently held with all the  
10 parties, it was discussed that -- or all the parties  
11 agreed that they would have no questions for Company  
12 witness Christopher Ferrell and, therefore, being that  
13 Mr. Ferrell is an out-of-state witness and to avoid the  
14 cost and time of his travel, the parties agreed that we  
15 will be able to stipulate to the admission of his  
16 testimony into the record.

17 ALJ FARKAS: Okay.

18 MR. SETTINERI: And if now is the  
19 appropriate time then --

20 ALJ FARKAS: Yes.

21 MR. SETTINERI: -- I would like to move for  
22 the admission of Company -- what has been marked as  
23 Company Exhibit 10, which is the direct testimony of  
24 Christopher Ferrell. And, again, the basis for  
25 Mr. Ferrell's non-appearance today is the fact that the

1 parties have stated that they have no questions for  
2 Mr. Ferrell and he's an out-of-state witness.

3 ALJ FARKAS: All right. Any objection to  
4 the admission of this exhibit? Hearing none, seeing  
5 none, that will be admitted.

6 MR. SETTINERI: No further procedural  
7 matters.

8 ALJ FARKAS: All right. You can call your  
9 first witness.

10 MR. SETTINERI: Thank you. At this time,  
11 the Company will call Michael Speerschneider to the  
12 stand.

13 - - -

14 MICHAEL SPEERSCHNEIDER  
15 being first duly sworn, as prescribed by law, was  
16 examined and testified as follows:

17 - - -

18 ALJ FARKAS: Proceed.

19 MR. SETTINERI: Your Honor, at this time I  
20 have a series of exhibits to mark which will take a few  
21 minutes.

22 ALJ FARKAS: Okay.

23 MR. SETTINERI: But I thought it worthwhile  
24 to proceed to slowly mark all the exhibits, hand them  
25 out, then we can proceed with Mr. Speerschneider's

1 testimony.

2 ALJ FARKAS: Let's take a five minute  
3 recess.

4 MR. SETTINERI: Well, actually, they're  
5 ready to go. I'll do it on the record, I just thought  
6 I'd alert you it will take some time.

7 ALJ FARKAS: Okay. That's fine.

8 MR. SETTINERI: We'll start first with what  
9 has been marked as Company Exhibit 1, is a three-volume  
10 binder. It is the Application for Certificate of  
11 Environmental Capability and Public Need for Case No.  
12 13-1177-EL-BGN. But also has been marked as Company  
13 Exhibit 2, is an Application for Certificate of  
14 Environmental Capability and Public Need. This is for  
15 Case Nos. 13-1767-EL-BSB and 13-1768-EL-BTX. Company's  
16 Exhibits 1 and 2. And copies have been handed out to  
17 the bench and the court reporter.

18 ALJ FARKAS: Thank you.

19 MR. SETTINERI: Proceeding on, at this time  
20 we'd like to mark the pre-filed testimony of Michael  
21 Speerschneider, which we would mark that as Company  
22 Exhibit 3. And, your Honor, I'd note for the record, I  
23 believe color photos were submitted on docketing, I  
24 don't believe the scanned image on docketing was in  
25 color.

1 ALJ FARKAS: Okay.

2 MR. SETTINERI: But I do have a color copy,  
3 if you'd like.

4 ALJ FARKAS: Okay. Yes.

5 MR. SETTINERI: The next item to mark will  
6 be Company Exhibit 4, titled Notice Regarding Shift and  
7 Preferred Transmission Line Route.

8 Next item to mark will be Company Exhibit  
9 5, Notice of Filing Responses to Staff Data Request.

10 Next item will be Company Exhibit 6,  
11 affidavits of publication.

12 The next exhibit will be marked as Company  
13 Exhibit 7, submittal of land owner and affected tenant  
14 mailing list.

15 I want to just note here, that at this time  
16 I will not mark Company Exhibits 8 and 9, that relates  
17 to the testimony of Mr. Kaliski and Mr. Rupprecht. So  
18 we're going to proceed then to the next exhibit to mark  
19 Company Exhibit -- we already admitted Company Exhibit  
20 10.

21 So the next exhibit will be Company Exhibit  
22 11 and this can be titled Collection Line/Turbine  
23 Shift.

24 Next exhibit will be Company Exhibit 12,  
25 titled Turbine 129 Access and Collection Shift.

1           The next item to mark is Company Exhibit 13  
2           titled Notice of Filing List of Commitments.

3           The next item to mark is Company Exhibit  
4           14, and, your Honor, at this time in regards to how to  
5           mark this exhibit, Mr. Speerschneider has some minor  
6           revisions to his direct testimony. We thought it would  
7           be helpful to have a read line of those provisions  
8           available to the parties so they could follow as he  
9           reads it into the record. So this read line will be  
10          marked as Company Exhibit 14. It is titled Direct  
11          Testimony of Michael Speerschneider, but I just want to  
12          note for the record, Company Exhibit 14 is simply a  
13          read line of his direct testimony.

14                 ALJ FARKAS: Thank you.

15                 MR. SETTINERI: The last exhibit to mark,  
16                 your Honor, is titled Joint Exhibit 1. It is the Joint  
17                 Stipulation and Recommendation.

18                 ALJ FARKAS: Those exhibits will be so  
19                 marked.

20                 MR. SETTINERI: Thank you, your Honor. And  
21                 thank you to the parties for their patience.

22                                 - - -

23                                 DIRECT EXAMINATION

24                 By Mr. Settineri:

25                 Q. Mr. Speerschneider, can you please state

1 your name and address for the record, please.

2 A. Yes. My name is Michael Speerschneider,  
3 EverPower Wind Holdings at 1251 Waterfront Place, 3rd  
4 Floor, Pittsburgh, Pennsylvania 15222.

5 Q. Mr. Speerschneider, you have before you  
6 what has been marked as Company Exhibit 3 and what has  
7 been marked as Company Exhibit 14?

8 A. Yes, I do.

9 Q. And can you identify what has been marked  
10 as Company Exhibit 3 for the record?

11 A. It is my direct testimony.

12 Q. Okay. Do you have any changes or revisions  
13 to that testimony today?

14 A. Yes, I have a few revisions.

15 Q. Okay. And would Company Exhibit 14 reflect  
16 those revisions?

17 A. Yes, it would.

18 Q. At this time would you please read into the  
19 record the revisions you have to Company Exhibit 3,  
20 perhaps using Company Exhibit 14 as a basis, so the  
21 parties can follow.

22 A. Yes. So the first one is on page 2 of the  
23 direct testimony, question 3, response to question 3.  
24 At the end of that response an "and" was omitted. So  
25 the last sentence should read, "I have worked closely

1 with project operators to engage local officials and  
2 residents, as well as state and federal regulators."  
3 And then the rest of the sentence remains the same,  
4 just adding that "and".

5 On page 3, for question 6, the response to  
6 question 6, at the first instance of Hardin Wind LLC,  
7 the comma should be deleted. In addition, a couple  
8 lines lower than that, the project would consist of up  
9 to 173 wind turbines, that should read 172 wind  
10 turbines.

11 Q. And just to be clear, Mr. Speerschneider,  
12 the revision you're making there is simply changing 173  
13 to 172, right?

14 A. That's right. Similarly, at question 8  
15 answer 8, the first part, the first sentence of that  
16 answer, the same change from 173 to 172.

17 The next change would be question 9, the  
18 answer to question 9, that answer remains the same.  
19 However, at the end of that answer would add "The  
20 application is also subject to the Applicant's Notice  
21 of List of Commitments filed on December 13, 2014, a  
22 copy of which has been marked as Company Exhibit 13."

23 Q. Mr. Speerschneider, to be clear for the  
24 record, the December 13, 2014, should that be December  
25 13, 2013?

1 A. Yes. Sorry.

2 Q. And that is mismarked in Company Exhibit  
3 14, correct?

4 A. That's right. Yes. Yes.

5 Q. You may continue, Mr. Speerschneider.

6 A. Okay. Question 11, answer 11, Hardin Wind  
7 is dropping turbines currently reads 16, that should be  
8 a -16, the notation of the number of the turbines. So  
9 -16, also add -21 as an additional turbine that would  
10 be dropped, and then 138 and 125 remain the same. So  
11 it should read, "Hardin Wind is dropping turbines -16,  
12 -21, 138 and 125 from the project."

13 And then further down in that answer, in  
14 talking -- the sentence that talks about a  
15 nonparticipation in the project, we would change that  
16 to not participate. So that portion of the sentence  
17 would read, "minimum setback standard now required due  
18 to an adjacent landowner decision to not participate in  
19 the project" rather than decision to nonparticipation  
20 in the project.

21 Q. So your edit there, Mr. Speerschneider,  
22 simply changing the word nonparticipation to the phrase  
23 not to participate, correct?

24 A. That's correct. In the same answer at the  
25 last sentence, the "a" before "require" should be

1 deleted and add an "a" after "require". So it should  
2 read "The relocation of the turbine will also require a  
3 minor shift."

4 The next change is in question 13. The  
5 answer to question 13. The very end of that answer  
6 refers to Exhibit 8. That should be changed to Exhibit  
7 6.

8 The next question, question 14. The answer  
9 to 14, likewise the end of that question refers to  
10 Exhibit 9, that should be Exhibit 7.

11 Question 18, next change, answer to 18  
12 about halfway through, the answer -- the sentence  
13 beginning with "It is expected that a certain portion  
14 of these payments will be used to purchases goods and  
15 service." The "s" on purchases should be deleted.

16 Further down in that same answer, the  
17 sentence beginnings "This figure includes 884 jobs  
18 expected to be generated by the indirect impacts, "of"  
19 should be deleted, that "of" should be deleted and  
20 replaced by a period and then the next sentence  
21 starting, "Additionally, we believe the project will be  
22 a source of pride."

23 Q. So just to be clear for the record, then  
24 the change on that revision you just read into the  
25 record would be adding a period after the word

1 "impacts" and striking the word "of" --

2 A. That's correct.

3 Q. -- before the word "additionally"?

4 A. That's correct. The next one is on  
5 question 19, answer 19, which is a lengthy answer. The  
6 fourth paragraph in, the paragraph beginning blade and  
7 ice throw, there should be an "a" added between "been"  
8 and "very" in the second sentence of that paragraph.  
9 So that should read, "There are hundreds of thousands  
10 of wind turbines operating throughout the world and  
11 there has been a very low rate of blade failures."

12 Q. And just to be clear, you added there,  
13 Mr. Speerschneider, you're simply adding the word "a";  
14 is that correct?

15 A. Simply adding the word "a," yes.

16 Further in that same answer, so if that was  
17 the fourth paragraph, the seventh paragraph, the  
18 paragraph beginning, "Concerns regarding the  
19 appropriate distance of setbacks are often raised." In  
20 that next sentence, the second sentence where it  
21 referenced to "OAC Section 4906", that should be the  
22 OAC Rule 4906. So just striking "section" and  
23 inserting "rule".

24 Also after that, reference to that rule  
25 insert a comma after the 4906-17-08(C)(1)(c)(ii) and

1 then add a comma.

2 And also in that same answer, the next and  
3 final paragraph, first sentence, end of first sentence  
4 where it refers to the Buckeye I Wind and Buckeye II  
5 Wind proceeding. We would add an "s" to the end of  
6 "proceeding".

7 Question 24, the answer to 24 should be  
8 stricken in its entirety and add at the answer there  
9 "No. The Applicant's concerns were addressed in the  
10 Joint Stipulation and Recommendation, marked as Joint  
11 Exhibit 1."

12 Question 25, again the answer to question  
13 25 should be stricken in its entirety and replaced with  
14 an answer that reads, "No. The Applicant's concerns  
15 were addressed in the Joint Stipulation and  
16 Recommendation marked as Joint Exhibit 1."

17 Question 26, answer to 26, we would strike  
18 from the first sentence, strike "December 24, 2013  
19 Staff Reports of Investigation as modified by the  
20 revisions in my testimony." And instead replace that  
21 with "Joint Stipulation and Recommendation, marked as  
22 Joint Exhibit 1."

23 And then question 27, final answer reads,  
24 question, "Does this conclude your direct testimony?"  
25 "Yes, it does," and then add a comma after "does", and

1 "although I would like to address the Joint Stipulation  
2 and Recommendation marked as Joint Exhibit 1."

3 Q. Are there any further revisions to your  
4 direct testimony?

5 A. No, that's it.

6 Q. Okay. If I was to ask you the questions  
7 that are listed here today, would your answers be the  
8 same, subject to your revisions?

9 A. Yes, they would.

10 MR. SETTINERI: Your Honor, at this time,  
11 because we have a stipulation and based on  
12 Mr. Speerschneider's last answer in his direct  
13 testimony, I would like to ask him some questions on  
14 Joint Exhibit 1, which is the stipulation of the  
15 matter.

16 ALJ FARKAS: Okay.

17 MR. SETTINERI: If I may.

18 Q. Mr. Speerschneider, do you have before you  
19 what's been marked as Joint Exhibit 1?

20 A. Yes. This is the Joint Stipulation and  
21 Recommendation that was signed by the Staff, the Ohio  
22 Farm Bureau Federation and Hardin Wind and docketed on  
23 January 21st, 2014.

24 Q. And have you reviewed the Joint Stipulation  
25 and Recommendation that's been marked as Joint Exhibit

1 1?

2 A. Yes, I have. The Joint Stipulation and  
3 Recommendation presents recommendations by the  
4 signatory parties to the Ohio Power Siting Board on  
5 findings of fact and law, as well as conditions that  
6 the signatory parties recommend that the Ohio Power  
7 Siting Board adopt the recommended conditions in the  
8 Joint Stipulation and Recommendation are based on  
9 revisions from the conditions that the Staff  
10 recommended in the Staff reports issued for the three,  
11 all three applications. For example, minor revisions  
12 have been made to clarify certain conditions,  
13 addressing additional cultural resources and  
14 architectural surveys. Also a condition has been added  
15 placing limitations on the Northern Harrier preferred  
16 nesting habitat, while also a condition requiring  
17 presence absent surveys for the presence of Eastern  
18 Massasauga Rattlesnake have been removed.

19 Other conditions have been adopted as  
20 initially recommended by the Staff including conditions  
21 addressing facility decommissioning, operational noise,  
22 limitations on tree clearing near Bald Eagle nests or  
23 within any wood lots supporting a nest tree.

24 Q. Let me ask you, does the Joint Stipulation  
25 and Recommendation address the shift turbine 169 and

1 the shift and collection lines of an access road  
2 proposed by Hardin Wind in its January 15th, 2014,  
3 January 17th, 2013, notices filed with the Ohio Power  
4 Siting Board?

5 A. Yes, it does. Condition 17 of the Joint  
6 Stipulation and Recommendation address a minor  
7 relocation of Turbine 169 as discussed in my direct  
8 testimony, as well as minor shift to the location of  
9 lines that -- or a line that was relocated as a result  
10 of negotiation with the Hamptons.

11 A figure marked as Company Exhibit 11 shows  
12 the relocation of turbine 169 and the collection line.

13 Condition 18 of the joint stipulation  
14 addresses a minor relocation of the collection line and  
15 access road going to turbine 129 that is required as a  
16 result of dropping turbine 125. The figure marked as  
17 Company Exhibit 12 shows relocation, which is at the  
18 north end of the access road going to turbine 129.

19 The shift is very minor, just moving across  
20 property lines between turbine 125 parcel and an  
21 adjacent parcel that already is proposed to have a  
22 portion of the road and collection line located upon  
23 it. Hardin Wind has contacted that landowner and he's  
24 provided written consent for that relocation.

25 Importantly, the shifts agreed upon by

1 parties in a Joint Stipulation and Recommendation are  
2 very minor shifts and will result in no additional  
3 impacts to the project area.

4 Q. And, Mr. Speerschneider, just to be clear  
5 for the record, when we reference conditions 17 and 18  
6 of the joint stipulation, am I correct that those  
7 conditions relate to the wind turbine application and  
8 not the transmission and substation?

9 A. Oh, yes. Yes. That's correct.

10 Q. In your opinion, does the Joint Stipulation  
11 and Recommendation represent a product of serious  
12 bargaining among capable, knowledgeable parties, in  
13 your view?

14 A. Yes. Multiple parties in this proceeding  
15 engaged in settlement negotiations through an open  
16 process. The serious bargaining that took place is  
17 evident when comparing the initial testimony filed by  
18 the applicant in this proceeding, the initial  
19 recommendations by the Staff in the Staff report, the  
20 final conditions recommended in the Joint Stipulation  
21 and Recommendation. You know, for example, I requested  
22 revisions to certain of the Staff's recommendations --  
23 recommended conditions in my initial direct testimony,  
24 which was filed on January 9, 2014, and some, but not  
25 all, of those revisions were incorporated in the Joint

1 Stipulation and Recommendation.

2 The joint stipulation also includes  
3 additional screening requirements for the project, the  
4 point interconnect substation, as a result of  
5 negotiations with Marilyn and Kent Hampton, who just  
6 recently withdrew from this case.

7 Q. In your opinion, does the Joint Stipulation  
8 and Recommendation as a package benefit the public  
9 interest?

10 A. Yes. When this -- when completed, this  
11 project will have a generated capacity of 300  
12 megawatts, an annual estimated output of approximately  
13 788,400 to 998,640 megawatt hours of clean energy. In  
14 addition, the project will benefit local economy  
15 through additional new jobs, more payroll and tax  
16 revenue. Tax revenue alone are estimated to provide  
17 1.8 to 2.7 million dollars annually. These represent  
18 some of the Joint Stipulation and Recommendation  
19 benefits to the public.

20 Q. Does the Joint Stipulation and  
21 Recommendation in your opinion violate any important  
22 regulatory principles or practice?

23 A. No, it does not.

24 Q. And what do you recommend that the Ohio  
25 Power Siting Board do in regards to the Joint

1 Stipulation and Recommendation?

2 A. I recommend that the Ohio Power Siting  
3 Board adopt the Joint Stipulation and Recommendation  
4 including recommended conditions.

5 Q. Does this conclude your testimony here  
6 today?

7 A. Yes, it does.

8 MR. SETTINERI: Your Honor, at this time  
9 Mr. Speerschneider is available for cross-examination.

10 ALJ FARKAS: Okay. Thank you. Does the  
11 Staff have any questions?

12 MR. LINDGREN: Not at this time, your  
13 Honor.

14 ALJ FARKAS: And does the Farm Bureau have  
15 any questions?

16 MR. ENDSLEY: No, we do not, your Honor.

17 ALJ FARKAS: Do you, Mr. Grant, have any  
18 questions?

19 MR. GRANT: Yes, I do.

20 ALJ FARKAS: You may proceed.

21 - - -

22 CROSS-EXAMINATION

23 By Mr. Grant:

24 Q. Do you live in a wind farm at this time?

25 A. No, I don't live in the vicinity of a wind

1 farm.

2 Q. Have you ever lived in a wind farm?

3 A. No.

4 Q. In reference to your question No. 14, the  
5 applicant sent a letter to -- you sent a letter to the  
6 property owners intended -- within the plan site on  
7 December 17th, 2013. Correct me if I'm wrong, the  
8 project started around 2008; is that correct? The  
9 signing of leases?

10 A. Yeah, I don't know the exact time, but  
11 that's about the time frame we were talking to people.

12 Q. So why did you wait five years to send  
13 letters out to the property owners and the tenants?

14 A. The notice that was filed on December 17 is  
15 part of the procedural, the process for the Power  
16 siting Board application and in anticipation of the  
17 public hearing that was held weeks ago and this hearing  
18 here. So it was that -- the purpose of those notices  
19 was for these proceedings rather than a general notice  
20 of, you know, our intent or the initial stages of  
21 development which would have been back in 2008.

22 Q. Okay.

23 ALJ FARKAS: You need to speak up a little  
24 bit.

25 THE WITNESS: I'm sorry.

1           Q. In reference to question 17, was the  
2 selecting of Hardin and Logan County, you used  
3 different criteria like the wind and power lines, did  
4 you also include into the selection, take into  
5 consideration the population density of the area?

6           A. What we do when we look at the potential  
7 area for wind development is a lot of the things that  
8 are outlined in my answer as well as in the  
9 application. Population density is not per say one of  
10 those, but what does come into is distance from  
11 residences and other buildings and those kinds of  
12 things. And as kind of is spelled out in the  
13 application, we look at things like the noise being --  
14 the noise at those areas, at those receptors, shadow  
15 flicker, setbacks that are either part of the record or  
16 that we apply. Those are sort of the things where we  
17 look at in terms of the location of other -- of  
18 residences and the impact of those residences.

19           Q. So the answer would be, no, you didn't  
20 really consider the population density, but you  
21 basically just went on setbacks and --

22           A. No, I'm sorry, if I misspoke. It wasn't  
23 just setbacks. We looked at a host of factors  
24 including noise impacts, shadow flicker, setbacks, and  
25 a number of other things as we look at the proper

1       siting for that.

2               As is explained in the application, we go  
3       through this sort of constraints modeling where we look  
4       at an area, we put together all of those factors, and  
5       come up with sort of, call it a suitable land where we  
6       could put the turbines in a place that the impacts  
7       would be within certain thresholds and certain levels  
8       that we have -- we try to achieve. And those are the  
9       things that we use to site the project. It's not just  
10      setbacks. It does involve a great number of factors.

11             Q. In reference to your answer or your  
12      question No. 18, do you believe the Scioto Ridge Wind  
13      Farm project will have a positive impact on the local  
14      community when you stated "additionally we believe the  
15      project will be a source of pride for the community."  
16      Many nonparticipants do not feel that way. Did you  
17      talk with everybody in the community or just the  
18      leaseholders who will be benefiting financially from  
19      the project?

20             A. Over the course of development we've spoken  
21      with quite a few residents, both participating and  
22      nonparticipating. I can't say that we spoke to  
23      everybody, of course, but we spoke to a great number of  
24      people in the community.

25             Q. You don't know how many, though?

1           A. I don't have an exact number.

2           Q. Okay. Now, addressing the possibility of  
3 having noise complaints, so Ohio Power Siting Board has  
4 set goals for noise levels. How will the residents  
5 know if the wind turbines are at or below these goals?  
6 I know several of the wind turbines in the noise test  
7 said they had to be in the noise reduction operation  
8 mode to achieve the noise levels. So how will the  
9 residents if they -- is there any way they're going to  
10 know, other than I think it's kind of noisy today or is  
11 there any way they can say, yes, this one is operating  
12 in the noise reduction mode and, yes, this thing is  
13 below the 47 decibels at nighttime or whatever?

14           A. Yeah, I think there's a number of ways to  
15 handle that. Primarily there is a condition that  
16 requires a complaint resolution process. So that would  
17 be sort of the first thing. You know, aside from the  
18 fact that we have conditions, so meaning to operate in  
19 that low wind noise or operate with those thresholds,  
20 we have the obligation to do that under a permit, a  
21 regulatory permit.

22                   But, yeah, there's a resolution process so  
23 if it does, if there does seem to be an issue that  
24 would be one of the things we check. We check that in  
25 coordination with the Power Siting Board and I believe

1 they would certainly have the ability to check if those  
2 turbines are being operated in the mode that they  
3 should be operated under and that would be a component  
4 of that complaint resolution process to make sure that  
5 we are, indeed, within the thresholds that are  
6 stipulated or are a part of those certificates.

7 Q. So what you're saying is, if I get this  
8 right, is that if somebody feels that the turbine is  
9 putting out too much noise, they have no way to verify  
10 that other than filing a complaint and then going  
11 through the complaint process that you're going to have  
12 set up? There's not going to be any sensors or  
13 anything that they're going to be able to say, yeah, I  
14 can tell this thing is producing X amount of decibels?

15 A. That process of doing a compliance  
16 measurement may be part of that complaint resolution,  
17 but it would be part of that. So I wouldn't say that's  
18 not a possible way for it, it would certainly be part  
19 of that complaint resolution process. It could be.  
20 And so I think there are, you know, through that  
21 process and through just working with the company, that  
22 we could, you know, make those assessments, make those  
23 kind of determinations as to whether or not we are, in  
24 fact, under the thresholds.

25 Q. Is there any way you'd be able to look at a

1 wind turbine and know that's in NRO mode or noise  
2 reduction operation mode? Visually just looking at it,  
3 would you be able to tell?

4 A. Simply looking at it, no.

5 Q. In reference --

6 A. I would just --

7 Q. I'm sorry.

8 A. I would say, this is a -- it's a very --  
9 there is a very rigorous and thorough method for doing  
10 that and there would be documentation from our  
11 operating procedures that show that mode and operating  
12 in that mode. So it would not be something that would  
13 be difficult to prove or disprove that the turbine was  
14 operating in that mode.

15 ALJ FARKAS: Could we go off the record for  
16 one second.

17 (Off the record - discussion)

18 Q. In reference to shadow flicker, the  
19 applicant states that limiting the potential to 30  
20 hours a year will result in very few, if any,  
21 complaints. According to the Staff investigation  
22 report, model calculations showed that 48  
23 nonparticipating residents would be exposed to more  
24 than 30 hours of shadow flicker per year by the  
25 facility. Do you feel that 48 nonparticipating

1 residents with over 30 hours of shadow flicker,  
2 compared to the zero hours of shadow flicker they have  
3 now, will not complain?

4 A. Well, first, on the 48 that are over 30 --

5 Q. Yeah.

6 A. -- we do commit to making sure that those  
7 properties, the nonparticipant property owners could  
8 experience less than 30. So that is achieved through a  
9 number of ways. Once we actually have the final  
10 turbine model selected, we will be able to run the  
11 shadow flicker analysis based on that particular model  
12 and the locations that they will be in. And run that  
13 model again. And to the extent any of those  
14 nonparticipating landowner participants are still over  
15 30 hours, there are certain mitigation -- mitigative  
16 approaches that we can take to make sure that they're  
17 under, including sort of up to, you know, periodic  
18 shutdown of the turbine to ensure that that exposure  
19 does not exceed 30 hours per year at any  
20 nonparticipating residence.

21 Q. So some of these people that are  
22 potentially going to receive more than 30 hours, would  
23 you -- have you notified them and said, hey, we're  
24 thinking about putting this turbine right behind your  
25 house on your neighbor's property and it may produce

1 more than 30 hours of flicker per year. Would that  
2 person even be made aware of that directly from  
3 EverPower?

4 A. Directly from EverPower, no. You know,  
5 other than the documents that have been submitted to  
6 the Power Siting Board siting cases, that's where that  
7 information would be.

8 Q. So do you really think that's fair to that  
9 landowner to be subject to that without notifying  
10 them? It seems like they -- to me I think they should  
11 be notified.

12 A. Like I said, the process for the siting  
13 process includes a lot of public outreach and  
14 information that goes to the public. We do provide  
15 that. We do provide the notices and, you know, we're  
16 open and willing to talk to anybody about any  
17 particular impacts. It's very difficult to say, you  
18 know, to look at every point of impact and have -- and  
19 go to each of those particular points and have that  
20 specific discussion.

21 What we do with the power -- the siting  
22 cases is define an overall sort of maximum impact and  
23 that's what's sort of presented here and discuss the  
24 reasonableness of that impact across the entire  
25 community, across the entire project area and that is

1 where we look at and evaluate the impact of the  
2 project.

3 Q. In reference to ice throw and blade shear,  
4 with setbacks being at 541 feet from the residential  
5 property line, if that resident was near the edge of  
6 their property, next to a 500 foot wind turbine and  
7 blade shear or ice throw did occur, could they be  
8 injured or killed?

9 A. With ice shed and ice throw usually what  
10 happens is that the ice, if ice forms on the turbine,  
11 the turbine will shut down. It has sensors, has ice  
12 sensors on that so it would shut down and then it would  
13 not be started up again until the ice was shed. So it  
14 would fall straight down from the turbine and then it  
15 would start up again. And so you wouldn't have -- in  
16 very rare instances you would have that throw.

17 Blade accidents do occur, of course, they  
18 are very rare and few between. So do we -- through  
19 that sort of instance of that happening and the  
20 setbacks, feel that the risk of injury is extremely  
21 low. In fact, in the hundreds of thousands of  
22 operating hours throughout the world, there's been not  
23 one incident of human -- of injury to -- of harm or  
24 injury to humans.

25 Q. Okay. But it's still there, it's just low?

1           A. It's extraordinarily low, yes. I can never  
2 say absolutely, no, it won't ever happen in absolute.

3           Q. Right.

4           A. But extraordinarily.

5           Q. But if the wind turbine wasn't there, you  
6 could say it wouldn't happen because the turbine  
7 wouldn't be there. But if the turbine is there, even  
8 though it's low and walking on your property --

9           A. Yeah.

10          Q. -- and one of these incidents occurred,  
11 there could be an issue?

12          A. Yeah, sure. Sure. Just like about any  
13 other thing, any other human endeavor, there is some  
14 risk of injury to people surrounding that and can never  
15 say, no, nothing will ever happen to anybody. And all  
16 we do, and I think we do that very effectively here, is  
17 mitigate and put in place the proper siting procedures  
18 to keep that as low as humanly possible.

19          Q. Because the setback for a resident is much  
20 more than 541 feet, isn't it like 1,300 and some feet?

21          A. Yes. It's based on the height of the  
22 turbine but, yeah, it's about that.

23          Q. So here's my next question. Let's say I  
24 have a piece of property that's two acres and I have a  
25 house sitting over here on the far right, for example,

1 and it's 1,300 feet away from the turbine from the base  
2 of the foundation. Now, I have this land over here  
3 between the house and the turbine and the property line  
4 is 541 feet away from the turbine. If I build a house  
5 on this other acre of land, is it inhabitable, because  
6 it would be in violation of the 1,300 feet? Because  
7 now it's only going to be like 500, 600 feet away.  
8 What do I do with this land?

9 A. Well, as far as I know there is nothing  
10 that prohibits building a house that's closer to the  
11 turbines than what was originally laid out in the  
12 application. The question of whether it's inhabitable  
13 or not I think is a question whoever would live there.  
14 Certainly from a safety standpoint, if there's -- there  
15 wouldn't be much concern being beyond that, that  
16 property line setback.

17 Q. Let me ask you this, would you feel safe  
18 living in that house?

19 A. I don't see why not.

20 Q. All right. In reference to your response  
21 on wind energy project impacted property values, does  
22 this not -- okay. Let me say this, you guys used a  
23 Berkley National Laboratories to assess property values  
24 in wind energy projects and that showed that there was  
25 no affect on property value using their studies.

1           A. Yeah. When you say we used their studies,  
2           there was a study done by the National Berkley  
3           Laboratories and a very extensive study across 67  
4           projects, some 23 counties, I believe it is, and they  
5           did a very comprehensive statistically based study of  
6           property values within the vicinity of a wind farm.  
7           That's just one of many studies that have been done.  
8           And, yeah, that is one of -- we look to that affect  
9           that shows that there wasn't a statistical overall  
10          impact to the property values across these project  
11          areas.

12          Q. Okay. So in the United States the buying  
13          and selling of property is usually determined by a  
14          licensed real estate agent and licensed appraiser. If  
15          you were to purchase a home, would you use Lawrence  
16          Berkley National Laboratories to assess the value of it  
17          or would you use an appraisal and a real estate agent  
18          to assess the value?

19          A. I'm not sure I understand the project -- I  
20          mean the question in that.

21          Q. Well, if you was to purchase a home, would  
22          you be using the Lawrence Berkley National Laboratories  
23          formulas to come up with the value of that home or  
24          would you count on the appraisals and the real estate  
25          people in the surrounding areas to come up with a value

1 on that home?

2 A. I think I know what you're asking. The  
3 Berkley Lab study was based on executed sales that were  
4 executed within those project areas. They didn't go in  
5 and do appraisals and facilitate the transactions in  
6 that way. They used transactions that were done,  
7 probably facilitated, as you said, that's how you  
8 facilitate those through real estate appraisals and  
9 bank negotiations and mortgages and the recorded sale  
10 prices of those homes. Those homes were not sold based  
11 on or evaluated or they didn't go in and do their own  
12 evaluation of the project -- of the value of their  
13 homes other than what was informed by the actual sales  
14 that were informed or directed, as you say, these  
15 appraisals in the normal selling process that you go  
16 through under -- or for a home.

17 Q. So I'll just move on to the next question  
18 on that one. In reference to question 22, what are the  
19 real issues based on the Scioto Ridge Wind Farm  
20 project? You stated there are no real issues, but in a  
21 public hearing on January 8th of 2014, at the Hardin  
22 County Courthouse purportedly 160 people attended and  
23 multiple people stood up and gave testimony of many  
24 concerns that are recorded on file with the Ohio Power  
25 Siting Board. My question is, there seems to be issues

1 and how are you going to handle them?

2 A. Yeah. I mean, it's a good question. When  
3 you say real issues, it does not say there are  
4 concerns. We do recognize that there are concerns and  
5 we have gone and will continue to go to great lengths  
6 to try to alleviate some of those concerns to try to  
7 work through some of those concerns.

8 The answer to the question about the real  
9 issues is we've gone through all of the analysis  
10 through multiple years and a number of studies to  
11 design the project in a way that the issues, the  
12 impacts are minimized to the level of being -- to being  
13 or having minimal impact to the community. So when I  
14 say that there's no real issues, that's what I mean.  
15 The impact of the project based on the way that we've  
16 designed it, based on the way we've studied the  
17 layouts, based on the way we work with third-party  
18 consultants and other stakeholders, we believe that  
19 we've properly and reasonably addressed, minimized,  
20 mitigated the potential impacts.

21 Certainly there are concerns. Certainly  
22 there are things that we need to continue to work on in  
23 terms of talking with folks and educating and being  
24 able to show what we've done. But, you know, we think  
25 the impacts themselves are minimized in that way.

1           Q. In reference to employment, you made  
2 reference that you've already hired three employees.  
3 Who are these employees and what are the positions they  
4 hold?

5           A. I'm sorry, where are you referring?

6           Q. In reference to employment it's supposed to  
7 be added employment to the area, it says we've already  
8 hired three employees. What are those positions of  
9 those people?

10          A. I'm sorry, is this in my direct testimony  
11 or is it --

12          Q. I thought it was.

13           ALJ FARKAS: Do you know what page it was  
14 on?

15          Q. I didn't write that down. I'm sorry.

16          A. I know what you're talking about. I just  
17 want to --

18          Q. Page 14. I'm sorry.

19           ALJ FARKAS: It's the second sentence of  
20 your answer 22.

21          A. Did you say 22? Sorry.

22           ALJ FARKAS: Yes. Page 14, answer 22,  
23 second sentence.

24          A. Oh, there we go. Right. So this answer is  
25 just referring to our engagement in the community in

1     trying to make sure these -- the issues, the concerns  
2     were available to try to address those. The three  
3     local employees are Jason Dagger, Mike Pollens and  
4     April Shockey. They work out of our Bellefontaine,  
5     Ohio office and they work on various tasks from the  
6     development tasks, related tasks, speaking with  
7     landowners, speaking with the community, working on  
8     lease agreements and all those types of issues.

9             Q. Okay. Thank you. You also stated that you  
10    regularly attend public meetings of township  
11    supervisors and county commissioners to answer  
12    questions and updates. If this is true, at the Ohio  
13    public meeting -- the meeting we had on January the  
14    8th, Jeff Elsasser, a trustee for Taylor Creek, stated  
15    that he had not spoken with any EverPower  
16    representative for over a year and was told the project  
17    was on hold. Is this an example of your commitment to  
18    the community?

19            MR. SETTINERI: Your Honor, at this time I  
20    would object to the extent that the transcript of that  
21    proceeding should dictate what the trustee spoke to and  
22    subject to that objection.

23            ALJ FARKAS: You want to rephrase your  
24    question?

25            Q. Okay. So let me rephrase that. You stated

1 that you regularly attend public meetings of township  
2 supervisors and county commissioners, but some of the  
3 trustees perhaps were not aware of the procedures going  
4 on with the construction of this for a long period of  
5 time. It's like they were left out of the loop.

6 MR. SETTINERI: Your Honor, maybe another  
7 way simply to ask is if Mr. Speerschneider's aware of  
8 the trustee's comments at that meeting?

9 ALJ FARKAS: Is that fair?

10 MR. GRANT: Okay, yeah.

11 ALJ FARKAS: You want to answer that  
12 question? Were you aware of the trustee's comments?

13 A. I'm not aware of those comments, no.

14 Q. Okay. In the Staff Report of Investigation  
15 on aesthetics by James Odell, the applicant has -- it  
16 says the applicant, which is EverPower, has performed  
17 an extensive visual impact assessment study for the  
18 project area with a five mile radius surrounding the  
19 facility. Simulated view points of potential turbine  
20 locations have been analyzed throughout the entire  
21 project area. The applicant has shared these images  
22 extensively as part of a public relations program.  
23 Many residents in the area, project area were unaware  
24 of the project being constructed.

25 Do you know how these images were

1 shared? Because I didn't see any of them other than  
2 going on to the Siting Board.

3 A. Well, the images are part of the  
4 application, the bid application, so that application  
5 is available to the township trustees, to the county  
6 commissioners. It's in the libraries, local  
7 libraries. We also had at the public information  
8 meeting some of those images that the community was  
9 invited to attend. I think those are things that come  
10 to mind as the most sort of evident places where you  
11 would find that information.

12 MR. GRANT: That's all the questions that I  
13 have.

14 ALJ FARKAS: Okay. Does the Company have  
15 redirect?

16 MR. SETTINERI: No, your Honor, we do not.

17 ALJ FARKAS: Then you'll be excused. Thank  
18 you for your testimony.

19 MR. SETTINERI: Your Honor, if I may, I  
20 have a list of exhibits I would like to move for  
21 admission. At this time we would like to move  
22 Company's Exhibit 1, which is the three-volume  
23 application set; Company Exhibit 2, which is the  
24 transmission and substation application; Company  
25 Exhibit 3, which is the pre-filed testimony of Michael

Speerschneider; Company Exhibit 4, which is a notice to file for shift of preferred route; Company Exhibit 5, which is the notice of filing responses to Staff data requests; Company Exhibit 6, affidavits of publication; Company Exhibit 7, which is submittal of landowner and affected tenant mailing list.

We also submit Company Exhibit 11 or move for the admission of Company Exhibit 11. It's figure of the collection line/turbine shift; Company Exhibit 12, which is a turbine 129 access and collection shift; Company Exhibit 13, notice of filing lists of commitments.

We would also move for admission of Company Exhibit 14, which is simply a read line of Mr. Speerschneider's direct testimony and that read line has been provided for ease of use for the court reporter, the bench and the parties. So at this time we would move for the admission of the exhibits that I have listed.

ALJ FARKAS: Is there any objection to the admission of those exhibits? Hearing none, seeing none, we will admit Company Exhibits 1, 2, 3, 4, 5, 6, 7, 11, 12, 13, and 14.

MR. SETTINERI: Your Honor, did you say 13?

ALJ FARKAS: Yes.

1 MR. SETTINERI: And just for the record to  
2 note, we previously admitted Company Exhibit 10, which  
3 is the testimony of Mr. Ferrell.

4 ALJ FARKAS: Yes. Okay. Call your next  
5 witness.

6 MR. SETTINERI: At this time, your Honor,  
7 we would like to call Mr. Ken Kaliski to the stand.

8 - - -

9 KENNETH KALISKI  
10 being first duly sworn, as prescribed by law, was  
11 examined and testified as follows:

12 - - -

13 ALJ FARKAS: Proceed.

14 MR. SETTINERI: Thank you, your Honor. At  
15 this time we'd like to mark as Company Exhibit 9, the  
16 amended direct testimony of Kenneth Kaliski.

17 ALJ FARKAS: So marked.

18 - - -

19 DIRECT EXAMINATION

20 By Mr. Settineri:

21 Q. Mr. Kaliski, if you could please state your  
22 name and business address for the record.

23 A. My name is Kenneth Kaliski, Resource  
24 Systems Group, 55 Railroad Row, White River Junction,  
25 Vermont 05001.

1 Q. And do you have before you what's been  
2 marked as Company Exhibit 9?

3 A. Yes.

4 Q. And could you identify that for me, please?

5 A. Exhibit 9 is my amended direct testimony in  
6 regards to this case.

7 Q. And do you have any revisions to that  
8 testimony today, sir?

9 A. No, I do not.

10 Q. And if I was to ask you the same questions  
11 that are in that testimony, would your answers be the  
12 same today?

13 A. Yes.

14 MR. SETTINERI: Your Honor, at this time  
15 the witness is available for cross-examination.

16 ALJ FARKAS: Okay. Staff have any  
17 questions?

18 MR. LINDGREN: Your Honor, we prefer to go  
19 last if we may.

20 ALJ FARKAS: Okay. Does the Farm Bureau  
21 have any questions?

22 MR. ENDSLEY: No, your Honor.

23 ALJ FARKAS: Does Mr. Grant have any  
24 questions?

25 MR. GRANT: I did have a question.

1 Mr. Speerschneider wasn't sworn in when he testified?

2 ALJ FARKAS: Yes, he was.

3 MR. GRANT: He was. Yes, I do have some  
4 questions.

5 - - -

6 CROSS-EXAMINATION

7 By Mr. Grant:

8 Q. Do you live in a wind farm at this time?

9 A. No, I do not.

10 Q. Have you ever lived in a wind farm?

11 A. No.

12 Q. In your professional opinion, do you  
13 believe that you will hear these wind turbines inside  
14 the homes that are located within the footprint of the  
15 wind farm?

16 A. At times you may hear them within the home.

17 Q. Inside the home?

18 A. Yes.

19 Q. Okay. And that would be at a decibel  
20 setting of what, do you think would cause it to be  
21 heard inside the home? How high would the decibels  
22 have to be before you would hear it inside the home say  
23 at the minimum setback distance of 1,300 feet?

24 A. Whether you hear something or not depends  
25 on a lot of different things; your hearing, your

1 ability to hear something for one, the sound inside the  
 2 room, the masking sound, whether you have the windows  
 3 open or closed, and, you know, the frequency of the  
 4 sound, the time history of the sounds, so there's a lot  
 5 of factors that go into whether something is audible or  
 6 not. Just typically with windows open you tend to have  
 7 something like a 15 decibel reduction, with windows  
 8 closed 25, 30 decibel reduction. So, you know,  
 9 depending on how quiet your house is, it could be  
 10 audible depending on a lot of different factors.

11 Q. So if it's summertime, the windows are open  
 12 and it's nighttime, you're laying in bed and they're  
 13 producing 45 decibels of noise, you'd probably hear  
 14 them?

15 A. I didn't say probably, I said you could.

16 Q. Might.

17 A. Yeah.

18 Q. Possibility?

19 A. Yes.

20 Q. Do you take -- did you take into  
 21 consideration during your sound analysis the noise the  
 22 turbines make when they change directions to line up  
 23 with the wind? And, if so, what was that decibel of  
 24 setting? Because when they change they go -- did you  
 25 guys record that and do you know what that was or --

1           A. Yes. So what you're talking -- referring  
2           to is a yaw motor. Each turbine has a yaw motor that  
3           turns in and out of the wind. And typically you don't  
4           hear that, the distances involved, you can hear that in  
5           the low wind speed, especially when they're searching  
6           for the wind, but once the winds are, you know, to the  
7           point where they're generating the maximum sound power,  
8           you typically don't hear the yaw motors.

9           Q. Okay.

10          A. Or they don't contribute to the sound.

11          Q. But you didn't actually record the decibels  
12         of that motor then?

13          A. I mean, I have in the past, but it's -- and  
14         that's what I'm basing my conclusion on, that that  
15         doesn't significantly add to the sound level, at the  
16         maximum sound power which is what we call it.

17          Q. Okay. You state in your testimony that  
18         turbine sound levels can be slightly higher or lower  
19         than modeled. As a result, there could be short  
20         amounts of time where these sound levels may exceed the  
21         standard during certain operating and weather  
22         conditions. What weather conditions would cause the  
23         wind turbines to exceed the sound level standards?

24          A. Can you just -- you know where you're  
25         reading from?

1                   ALJ FARKAS: What page and question is that  
2 in reference to?

3                   MR. GRANT: I should have wrote that down.  
4 Sorry. It's on page 5, question 9.

5                   A. Yes. Thank you. So with any system, you  
6 know, you can have things that are higher or lower than  
7 the sound level. So the -- typically the worst case  
8 conditions for a wind turbine can occur when there's,  
9 for example, frosting of a snow or very light ice on  
10 the turbine blades and you get a higher sound level  
11 from essentially the increased roughness on the  
12 blades. The worst case metrological condition outside  
13 of that are very heavy wind shear. So it's very high  
14 winds aloft and very low wind to the ground and  
15 temperature inversions. But we model it under a  
16 moderate temperature version and nighttime conditions.

17                  Q. So how much -- let's say you was to have  
18 one of those conditions, is there any way of knowing  
19 approximately how many more decibels it would put out  
20 or would it vary?

21                  A. Well, we model the standard deviation  
22 around or the uncertainty around our estimate, so we do  
23 have an estimate of what the variation is around those  
24 levels and it ranges from, you know, one to three  
25 decibels.

1 Q. Okay.

2 A. And, you know -- I mean, we've measured  
3 severe icing conditions which, you know, the turbines  
4 probably wouldn't be running at, but those could be a  
5 little bit more.

6 Q. Right. So it would continue to be in that  
7 state until the weather condition chances?

8 MR. SETTINERI: Your Honor, if we could  
9 just clarify what state we're discussing here with the  
10 question.

11 ALJ FARKAS: Clarify what you're saying.

12 Q. Well, the standard in the response that it  
13 was during certain operating and weather conditions, so  
14 these certain conditions would be -- what conditions  
15 would cause it to have actual noise?

16 A. So, for example, there's icing or frosting  
17 conditions.

18 Q. Okay. So any one of those conditions, the  
19 noise level would continue until that condition went  
20 away, correct?

21 A. Potentially.

22 Q. Yes. So if it lasted -- if we had a bad  
23 storm going through or something for like eight hours,  
24 then it would be eight hours of this condition until  
25 the storm went away, then they would resort back to

1       their normal sound output; does that sound right?

2               A.   Well, I mean, typically these conditions  
3       don't last that long, but --

4               Q.   Okay.

5               A.   I mean, theoretically if whatever condition  
6       it is exists, however long that condition is, it  
7       would -- the sound would last for, yes.

8               Q.   I was recently up in Van Wert and I spoke  
9       to the residents up there and they said strong wind  
10      made their turbine up there sound like a jet engine.  
11      Does the noise level increase with the wind speed and  
12      the RPM of the blade?

13              MR. SETTINERI:   Your Honor, I just have to  
14      object to the use of essentially hearsay and the  
15      citation to the landowners saying the turbines sounded  
16      like a jet engine.

17              ALJ FARKAS:   Well, rephrase your question.  
18      Are you basically saying --

19              Q.   Does the noise level increase with wind  
20      speed and blade RPM?

21              A.   So there are two different types of  
22      turbines that -- there are pitch regulated and stall  
23      regulated turbines.   For stall regulated turbines,  
24      which this is not, which is not being proposed here,  
25      the sound level does increase with wind speed.

1                   For pitch regulated turbines, which are the  
2                   type being proposed here, the sound levels increase up  
3                   to a certain point around to about -- where the wind  
4                   speeds are roughly around 8 or 9 meters per second and  
5                   then they level off. And then in some turbines the  
6                   sound actually reduces with higher wind speeds because  
7                   of the reduced turbulence at higher wind speeds and  
8                   improved efficiency.

9                   ALJ FARKAS: You had just said stall  
10                  regulated. How do you spell that?

11                  THE WITNESS: Yeah, stall.

12                  ALJ FARKAS: You mean stall as in stalling  
13                  an engine?

14                  THE WITNESS: Stalling your car, right.

15                  ALJ FARKAS: Okay. Got it.

16                  Q. So how many decibels would it increase at  
17                  the maximum speed compared to the normal speed that you  
18                  set your settings for?

19                  A. Right. So the second part of your question  
20                  is does it increase with RPMs and, yes, it does  
21                  increase with RPMs and the RPMs sort of stabilizes  
22                  after about 9, 8 or 9 meters per second. So the, you  
23                  know, the sound levels will increase, you know, when  
24                  it's just starting. It could be 10 decibels lower, at  
25                  the lowest RPMs and then it will increase to the

1 maximum, whatever that might be.

2 Q. Okay. So let me see if I've got this  
3 straight. So if it's producing 45 decibels at the  
4 maximum RPM, it could go up to 55 decibels. Does  
5 that -- did I get that right or is that wrong?

6 A. No, I -- maybe I misunderstood your  
7 question. If it's -- so when it's -- the turbine is  
8 just starting in its lowest RPM, it might be say 35,  
9 and then as it gets going to the highest RPM it might  
10 get up to 45.

11 Q. Okay. So they increase it by 10 as it goes  
12 up, just for example?

13 A. Yes. And I'm not quite -- you know there  
14 are different turbines being proposed but it -- you  
15 know, I'm just giving you a round number, but they  
16 certainly -- in the lower part of the wind speed range  
17 it does increase to a certain point and then it levels  
18 off.

19 Q. Okay. I guess that kind of ties into my  
20 next question. Because I think you stated in there  
21 that it produces 45 decibels at the maximum turbine  
22 output. And they've got a built in cutoff of 44 to 55  
23 miles per hour winds, so would the maximum turbine  
24 output be about 44 miles per hour winds and that would  
25 procure 45 decibels?

1           A.   Maybe I wasn't clear there.   It's the  
2   maximum turbine sound output, so it's --

3           Q.   Oh, okay.

4           A.   Which would be the 8 or 9 meters per  
5   second.   I don't know what kilowatt rating that is, but  
6   usually it's somewhere between 60 and 80 percent of the  
7   maximum electrical power output.

8           Q.   Oh, I see.   Okay.   I have no more  
9   questions.

10           ALJ FARKAS:   Okay.   Any redirect?   Oh, I'm  
11   sorry, Staff, do you have any questions?

12           MR. LINDGREN:   No questions, your Honor.

13           ALJ FARKAS:   Any redirect?

14           MR. SETTINERI:   Just a couple quick  
15   questions, your Honor.

16                                 - - -

17                                 REDIRECT EXAMINATION

18   By Mr. Settineri:

19           Q.   Mr. Kaliski, I believe Mr. Grant asked you  
20   a question that was kind of framed around, with 40 db  
21   turbines can be heard in the house.   Can you just  
22   clarify for the record, the difference between sound  
23   power output and the receptor, the difference between  
24   the terms?

25           A.   You mean between sound power and sound

1 pressure?

2 Q. Sure. Yes, sir.

3 A. Okay. Yes. So sound power, unfortunately  
4 sound power and sound pressure are both measured  
5 decibels which -- but they're actually very different.  
6 Sound power is the energy, the sound energy that's  
7 emitted from a wind turbine. So, you know, for  
8 example, this wind turbine I think has the maximum  
9 sound power of 105.8 decibels. That's actually not a  
10 level that you're going to be measuring on the ground.  
11 That's the -- what you measure with the sound level  
12 meter is the sound pressure. It's the pressure  
13 fluctuations in the air that creates sound. So at a  
14 receiver you're measuring sound pressure, and the sound  
15 pressure level is dependent not only on the sound  
16 power, how much sound is emitted from the turbines, but  
17 also on metrological factors and propagation factors.  
18 How the sound travels from the source to the receiver.

19 Q. And you also -- Mr. Grant had asked a  
20 question about hearing the turbines inside the homes.  
21 Could you expand on your answer there in regards to  
22 when the turbines would be audible in the homes and the  
23 duration, of that nature?

24 A. You know, again, it's really hard to say.  
25 Homes are all constructed differently. You know,

1 lighter construction homes would have more or less  
 2 transmission loss. And, you know, typically homes in  
 3 the northern climates are fairly well constructed with  
 4 thicker walls, more insulation and have better sound  
 5 insulation as a result. So it's very difficult to say  
 6 under what circumstances you would hear the sound  
 7 inside the home, but certainly it's a possibility.  
 8 Now, whether it's going to be a very high level,  
 9 obviously you can hear, you know, many times cars  
 10 passing by your house and other things outside as well,  
 11 so it's not unusual for things that are heard outside  
 12 the home to be heard inside as well.

13 Q. So not unusual for wind farms in general to  
 14 have some audibility at certain times at the residence?

15 A. I would say so.

16 MR. SETTINERI: No further questions, your  
 17 Honor.

18 ALJ FARKAS: Okay. Any follow-up  
 19 questions? Hearing none and seeing none, thank you.  
 20 You're excused.

21 THE WITNESS: Thank you.

22 MR. SETTINERI: Your Honor, then at this  
 23 time we would move for the admission of Company Exhibit  
 24 9, the amended direct testimony of Kenneth Kaliski.

25 ALJ FARKAS: Any objections to the

1 admission of Company Exhibit 9? It will be admitted.

2 Call your next witness.

3 MR. SETTINERI: Thank you, your Honor. At  
4 this time we'd like to call Mr. Ryan Rupprecht to the  
5 stand.

6 - - -

7 RYAN RUPPRECHT

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

10 - - -

11 ALJ FARKAS: You may proceed.

12 MR. SETTINERI: Thank you, your Honor. I  
13 have handed out what's been marked as Company Exhibit  
14 8, direct testimony of Ryan Rupprecht.

15 - - -

16 DIRECT EXAMINATION

17 By Mr. Settineri:

18 Q. Mr. Rupprecht, if you can please state your  
19 name and address for the record.

20 A. My name is Ryan Rupprecht. Address is  
21 Cardno EXTRIX, 10 Corporate, Suite 300, New Castle,  
22 Delaware 19720.

23 Q. Mr. Rupprecht, do you have what's been  
24 marked Company Exhibit 8 before you?

25 A. I do.

1           Q. And could you please identify that for the  
2 record?

3           A. It's my direct testimony from this case.

4           Q. Okay. Do you have any revisions to your  
5 direct testimony today?

6           A. I do not.

7           Q. And if I was to ask you the same questions  
8 in your testimony, would your answers be the same  
9 today?

10          A. They would.

11               MR. SETTINERI: Your Honor, the witness is  
12 available for cross-examination.

13               ALJ FARKAS: Okay. The Farm Bureau have  
14 any questions?

15               MR. ARNOLD: No, we do not, sir.

16               ALJ FARKAS: I have to hear that from your  
17 attorney.

18               MR. ARNOLD: He'll be right back. I'll  
19 make sure he says so, sir.

20               ALJ FARKAS: Okay. Mr. Grant, you have any  
21 questions?

22               MR. GRANT: Yes.

23               ALJ FARKAS: Okay. You may proceed.

24                               - - -

25                               CROSS-EXAMINATION

1 By Mr. Grant:

2 Q. Do you currently live in a wind farm?

3 A. I do not.

4 Q. Have you ever lived in a wind farm?

5 A. I do not.

6 Q. In your report, you -- the project is  
7 anticipated to require 45 stream crossings. If during  
8 the time of construction the area receives heavy rains  
9 and the stream crossings are not completed, could this  
10 result in the surrounding homes being flooded?

11 A. Highly unlikely to not, no. As part of  
12 that they are required, the company will be required to  
13 have a storm water plan and in that plan it will  
14 demonstrate how they would prevent storm water from  
15 escaping the site. So there will be certain measures  
16 taken whether it's putting up temporary structures or  
17 something like that to control the water.

18 Q. Okay. During the time of construction?

19 A. During the time of construction.

20 Q. Okay, good. Would the heavy construction  
21 needed to construct the wind farms, could surface water  
22 contaminate private wells of the landowners?

23 A. Again, highly unlikely. As part of that  
24 storm water prevention plan, there would be measures to  
25 control that from escaping the site that would

1       contaminate any other water sources.

2               Q.   Okay.  I'm not sure if this is in your  
3       expertise or not, but during construction would  
4       wildlife leave the area?  Are you -- did you cover that  
5       in your --

6               A.  It's not in my direct expertise but in  
7       general any kind of construction could interfere with  
8       any type of wildlife, but I wouldn't think that would  
9       have, you know, a significant impact.  The construction  
10      will not be going on vastly.  It will be more focused  
11      on areas and would only have a very temporary, very  
12      acute impact on wildlife that that would only be  
13      temporary.

14              Q.  After the project is completed, how long  
15      till the area would be back to normal as it would have  
16      been before the project was started?  Would it take a  
17      year, two years, three years?

18              A.  No, it would be a lot quicker than that.  
19      As part of their plan as far as construction, the  
20      company is required to restore the site back to its  
21      preconstruction or better status.  So, therefore, they  
22      will never leave the site until that is conducted.

23              Q.  So a rough estimate you think would be  
24      what?

25              A.  It's hard to say.  It depends on the time

1 of year of construction. Obviously it's harder to  
2 restore vegetation in the winter versus in the spring  
3 or earlier seasons. So I would say a season.

4 MR. GRANT: Okay. I have no further  
5 questions.

6 ALJ FARKAS: Does the Farm Bureau have any  
7 questions?

8 MR. ENDSLEY: No questions, your Honor.

9 ALJ FARKAS: Does the Staff have any  
10 questions?

11 MR. LINDGREN: No questions, your Honor.

12 ALJ FARKAS: Any redirect?

13 MR. SETTINERI: No, your Honor.

14 ALJ FARKAS: You're excused. Thank you.

15 MR. SETTINERI: And, your Honor, at this  
16 time we would move for the admission of Company Exhibit  
17 8, direct testimony of Ryan Rupprecht.

18 ALJ FARKAS: Okay. Any objection? Hearing  
19 none, that will be admitted.

20 MR. SETTINERI: Your Honor, I just want to  
21 clarify for the court reporter, I just want to double  
22 check that we moved for the joint admission -- the  
23 admission of Joint Exhibit 1?

24 ALJ FARKAS: No, that was not done, but now  
25 that you've done it.

1 MR. SETTINERI: Okay. Then at this time  
2 we'd like to move for the admission of Joint Exhibit  
3 1.

4 ALJ FARKAS: Okay. Is there any objections  
5 to the admission of Joint Exhibit 1? Hearing none,  
6 that will be admitted. Okay. Does that complete your  
7 witnesses?

8 MR. SETTINERI: Yes, it does, your Honor.

9 ALJ FARKAS: Thank you. The Farm Bureau,  
10 any witnesses?

11 MR. ENDSLEY: Yes, your Honor. At this  
12 time the Ohio Farm Bureau Federation would like to call  
13 to the witness stand Mr. Dale Arnold.

14 - - -

15 DALE R. ARNOLD  
16 being first duly sworn, as prescribed by law, was  
17 examined and testified as follows:

18 - - -

19 MR. ENDSLEY: And at this time also ask  
20 that the direct testimony of Dale Arnold be marked as  
21 OFBF Exhibit 1.

22 ALJ FARKAS: So marked. Is this the same  
23 as pre-filed testimony?

24 MR. ENDSLEY: Yes. Same as the pre-filed  
25 testimony.

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ALJ FARKAS: Thank you.

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DIRECT EXAMINATION

By Mr. Endsley:

Q. Mr. Arnold, would you please state your name, title and business address?

A. My name is Dale Arnold. I'm the Director of Energy, Utility and Local Government Policy for the Ohio Farm Bureau Federation. Our offices are at 208 North High Street, here in Columbus, Ohio.

Q. Did you cause to be prepared and filed in this proceedings a document entitled direct testimony of Dale R. Arnold?

A. Yes, I did.

Q. Mr. Arnold, I've handed you a hard copy of what's been marked OFBF Exhibit 1 and ask you to identify that.

A. This is the testimony I prepared.

Q. Do you have any additions, corrections or deletions to make to your direct testimony?

A. No, I do not.

Q. If I were to ask you the same questions today while you were under oath, would your answers be the same as set forth on OFBF Exhibit 1?

A. Yes, they would.

1           Q. Mr. Arnold, are you aware that a Joint  
2 Stipulation and Recommendation was filed in these  
3 proceedings on January 21st, 2014?

4           A. Yes.

5           Q. And are you aware that the Ohio Farm Bureau  
6 Federation is one of the signatory parties to that  
7 Joint Stipulation and Recommendation?

8           A. Yes, I am.

9           Q. Does the Ohio Farm Bureau Federation  
10 support and endorse the acceptance by the Board of the  
11 Joint Stipulation and Recommendation in these  
12 proceedings?

13          A. Yes, it does.

14                 MR. ENDSLEY: Your Honor, I have no further  
15 questions. I move for the admission of evidence of  
16 OFBF Exhibit 1 and make Mr. Arnold available for cross-  
17 examination.

18                 ALJ FARKAS: Okay. Does the Company have  
19 any questions of the witness?

20                 MR. SETTINERI: No, we don't, your Honor.

21                 ALJ FARKAS: Okay. Mr. Grant, do you have  
22 any questions?

23                 MR. GRANT: No, I do not.

24                 ALJ FARKAS: Does the Staff have any  
25 questions?

1 MR. LINDGREN: No, your Honor.

2 ALJ FARKAS: Okay. You are done. Thank  
3 you.

4 THE WITNESS: Thank very much for your  
5 time.

6 ALJ FARKAS: Okay. And as previously  
7 stated, your exhibit has been moved so --

8 MR. ENDSLEY: Yes.

9 ALJ FARKAS: Any objection to the admission  
10 of that exhibit?

11 MR. SETTINERI: No, your Honor.

12 ALJ FARKAS: OFBF Exhibit 1 will be  
13 admitted.

14 MR. ENDSLEY: Thank you, sir.

15 ALJ FARKAS: Mr. Grant, do you want to  
16 testify next?

17 MR. GRANT: Yes. Do I need to come up  
18 there?

19 ALJ FARKAS: Yes.

20 - - -

21 JOSEPH GRANT

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

24 - - -

25 EXAMINATION

1 By ALJ Farkas:

2 Q. Since you are not represented, I will --  
3 you can have a seat.

4 A. So you want me to read my own?

5 Q. No, you do not have to read it. What I was  
6 going to ask you -- you can sit down. Make yourself  
7 comfortable.

8 A. Okay.

9 Q. You have pre-filed testimony in this case;  
10 is this accurate?

11 A. Yes.

12 Q. And what I'm going to do is mark your  
13 testimony that was filed on January 13, 2014, as Grant  
14 Exhibit 1 and that is your testimony in this case.

15 A. Yes.

16 Q. And I'll ask you, do you have any additions  
17 or deletions or changes to the testimony that's  
18 previously been filed?

19 A. No.

20 Q. And if I ask you to testify or prepare  
21 testimony in this case, would your testimony be as what  
22 you filed and what I've marked as Grant Exhibit 1?

23 A. Yes.

24 ALJ FARKAS: Okay. I'll ask the Company,  
25 do you have any questions of Mr. Grant?

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MR. SETTINERI: Yes, a few.

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CROSS-EXAMINATION

By Mr. Settineri:

Q. Mr. Grant, good morning.

A. Good morning.

Q. I'm Mike Settineri, representing Hardin  
Wind. First of all, where are you currently employed?

A. Honda.

Q. Honda. And what do you do there?

A. I'm a team leader.

Q. And can you just briefly describe your  
educational background?

A. High school education. I did start some  
college, but I never got an associate degree.

Q. Okay. So just for the record, no training  
in acoustics?

A. No, sir.

Q. Have you worked in the wind industry?

A. No. Never have.

Q. Are you familiar with a wind farm project  
to the north of the Scioto Ridge Project in Hardin  
County?

A. Hog Creek? Is that the one you're  
referring to?

1 Q. That may be one in Hardin County. The one  
2 I'm specifically referring to was called the Hardin  
3 Wind Farm Project. Are you familiar with that  
4 project?

5 A. Oh, the one that's in Hardin County? Right  
6 there at Belle Center?

7 Q. Are you familiar with a company named  
8 Invenergy?

9 A. No.

10 Q. Are you familiar with a wind farm being  
11 approved in Hardin County in 2010?

12 A. The one that's north, the north western  
13 section of Hardin County. Is that what you're  
14 referring to?

15 Q. Is there one there that you're familiar  
16 with?

17 A. I've heard of one called Hog Creek, but I'm  
18 not sure if that's official or not.

19 Q. You've heard of it?

20 A. That's all.

21 Q. How did you hear about that?

22 A. I think I came across it on the Internet.

23 Q. When did you become familiar with it?

24 A. Probably about three months ago or so.

25 Q. Are you aware that there was a public

1 information meeting in this proceeding?

2 A. No.

3 Q. Okay.

4 ALJ FARKAS: What was your answer?

5 A. No. The public information meeting that  
6 you're talking about was which one?

7 Q. Good clarification.

8 A. The January the 8th one?

9 Q. No. Let me clarify and rephrase it. I'll  
10 ask the question a different way.

11 A. Okay.

12 Q. Are you aware that last year, 2013, there  
13 was a general public information meeting held for the  
14 generation project --

15 A. No.

16 Q. -- in Belle Center?

17 A. Was that published in the newspaper?

18 Q. I'll ask the questions.

19 A. Oh, I'm sorry. That's my fault.

20 Q. Are you aware that that meeting was held?

21 Let me ask that question.

22 A. No.

23 Q. Okay. Are you aware that a public  
24 information meeting was held for the transmission line  
25 application at the Belle Center American Legion Hall

1 last year?

2 A. No.

3 Q. You're aware of the public hearing that was  
4 held just recently in January, correct?

5 A. Right.

6 Q. And how did you find out about that?

7 A. I think some of my people I associate with,  
8 they found out about it and let me know.

9 Q. And are you aware that there were some  
10 notices published in the local newspapers?

11 A. See, that's what I was going to say before,  
12 I don't get the local newspaper, so anything that's in  
13 the paper I would not see.

14 Q. Do you use the Internet?

15 A. Yes.

16 Q. Are you aware that the application is on  
17 file with the Power Siting Board?

18 A. Yes, now.

19 Q. Okay. And are you aware that the company  
20 did a mass mailing within the project area?

21 A. Yes.

22 Q. Did you receive a letter from the company?

23 A. Yes, December something -- December  
24 sometime.

25 MR. SETTINERI: Okay. No further

1 questions, your Honor. Thank you.

2 ALJ FARKAS: Does the Farm Bureau have any  
3 questions?

4 MR. ENDSLEY: No, we don't, your Honor.

5 ALJ FARKAS: Does Staff have any questions?

6 MR. LINDGREN: Just briefly, your Honor.

7 - - -

8 CROSS-EXAMINATION

9 By Mr. Lindgren:

10 Q. Mr. Grant, were you invited to participate  
11 in the negotiations that preceded to the filing of the  
12 stipulation in this case?

13 A. Yes, I was invited.

14 Q. Thank you. And did you receive drafts of  
15 that stipulation prior to the filing?

16 A. Yes, I did.

17 MR. LINDGREN: Thank you. No further  
18 questions.

19 ALJ FARKAS: Okay. Thank you. Is there  
20 any objection to the admission of Grant Exhibit 1?  
21 Hearing none, seeing none, we'll admit that. Okay.  
22 And I believe that leaves Staff. Do you have a  
23 witness?

24 MR. LINDGREN: Thank you, your Honor. The  
25 staff calls Donald Rostofer to the stand.

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DONALD E. ROSTOFER

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

- - -

ALJ FARKAS: You may proceed.

- - -

DIRECT EXAMINATION

By Mr. Lindgren:

Q. Good morning, Mr. Rostofer. Could you  
please state your full name for the record.

A. Donald Edward Rostofer.

Q. And what is your business address?

A. 180 East Broad Street, Columbus, Ohio.

Q. Where are you employed?

A. With the Ohio Power Siting Board within the  
Public Utilities Commission of Ohio.

Q. And what is your position within the Ohio  
Power Siting Board?

A. I'm a staff member of the Power Siting  
staff.

Q. What has been your involvement in the cases  
that we're here for today?

A. I'm the project manager for this case.

Q. When you say for this case, would that be

1 for all three cases?

2 A. Yes, actually it would be.

3 Q. Thank you. What were your duties as a  
4 project manager?

5 A. Basically I coordinate with other Staff  
6 members within our agency and also with other agencies  
7 that are also considered Staff. I work with them to --  
8 on issues that they specifically deal with that range  
9 in a lot of technical areas to gain their comments as  
10 we go through an investigation of the projects. And  
11 then from that point I also manage the sequence of  
12 duties that other staff within this office do, more of  
13 an edit Staff report and develop Staff report and  
14 actually have it docketed by the time frames that the  
15 legal attorneys expect us to have in place.

16 Q. Thank you. Did the Staff produce a report  
17 related to the Scioto Ridge Wind Farm in Case 13-1177?

18 A. Yes.

19 MR. LINDGREN: At this time I would like to  
20 have marked as Staff Exhibit 1 the Staff Report of  
21 Investigation for the Scioto Ridge Wind Farm.

22 ALJ FARKAS: So marked.

23 Q. Mr. Rostofer, do you have a copy of Staff  
24 Exhibit 1 before you?

25 A. Yes, I do.

1 Q. And do you recognize this document?

2 A. Yes, I do.

3 Q. Can you state what it is?

4 A. It is the Staff Report of Investigation for  
5 the Scioto Ridge Wind Farm.

6 Q. Thank you. Also, did the Staff produce a  
7 report of investigation relating to the 345 kV  
8 Transmission Line and Substation?

9 A. Yes.

10 Q. Thank you.

11 MR. LINDGREN: I ask to have marked as  
12 Staff Exhibit 2 the Staff Report of Investigation in  
13 Cases 13-1767 and 13-1768.

14 ALJ FARKAS: So marked.

15 Q. Mr. Rostofer, do you have a copy of that  
16 exhibit in front of you?

17 A. Yes, I do.

18 Q. And are you familiar with this document?

19 A. Yes.

20 Q. And can you explain what it is?

21 A. It's the Staff Report of Investigation for  
22 the Scioto Ridge Wind Farm project 345 kV Transmission  
23 Line and Substation.

24 Q. Thank you. Also, Mr. Rostofer, are you  
25 familiar with the Joint Stipulation and Recommendation

1 that has been marked as Joint Exhibit 1?

2 A. Yes.

3 Q. And were you involved in the negotiations  
4 that led up to this stipulation?

5 A. Yes.

6 Q. In your opinion, is the settlement in this  
7 case a product of serious bargaining among capable,  
8 knowledgeable parties?

9 A. Yes.

10 Q. Also, does the settlement as a package  
11 benefit the public interest?

12 A. Yes.

13 Q. And can you explain how?

14 A. Based on our investigation and the  
15 conditions set forth within the stipulation, Staff  
16 believes that the stipulation should be adopted by the  
17 Board with these conditions.

18 Q. Thank you. Are you familiar with the  
19 regulatory principles and practices that apply in cases  
20 such as this?

21 A. Yes.

22 Q. And, in your opinion, does the settlement  
23 package violate any important regulatory principle or  
24 practices?

25 A. No.

1 Q. Finally, would you recommend that the Board  
2 adopt the stipulation and recommendation that has been  
3 filed in this case --

4 A. Yes.

5 Q. -- in these cases?

6 A. Yes.

7 MR. LINDGREN: Thank you. I have no  
8 further questions.

9 ALJ FARKAS: Did you mark his testimony?

10 MR. LINDGREN: We're not seeking admission  
11 of that testimony, your Honor.

12 ALJ FARKAS: Okay. Thank you. Any  
13 questions of the witness by the Company?

14 MR. SETTINERI: No, your Honor.

15 ALJ FARKAS: Farm Bureau?

16 MR. ENDSLEY: No, your Honor.

17 ALJ FARKAS: Mr. Grant?

18 MR. GRANT: Yes.

19 - - -

20 CROSS-EXAMINATION

21 By Mr. Grant:

22 Q. Do you currently live in a wind farm?

23 A. No.

24 Q. Have you ever lived in a wind farm?

25 A. No.

1 Q. In your Staff Report of Investigation  
2 concerning aviation, were there any studies done on air  
3 turbulence and cross winds created by wind turbines?

4 A. Which Staff Report of Investigation are you  
5 speaking of?

6 Q. Kristy Brewer --

7 A. No, which report, which case?

8 Q. Oh, I'm sorry. You want the number? Is  
9 that what you're asking?

10 ALJ FARKAS: Well, the wind farm is Staff  
11 Exhibit 1 and the substation and transmission line are  
12 Staff Exhibit 2.

13 Q. I'm sorry. Yes. Scioto Ridge Wind Farm.  
14 I'll be referencing that.

15 ALJ FARKAS: And do you know what page the  
16 reference is to? You want to take a second to look for  
17 it?

18 MR. GRANT: Yes, please.

19 ALJ FARKAS: Yes. Absolutely.

20 MR. GRANT: Page 55.

21 A. Repeat your question, please.

22 Q. Were there any studies done on air  
23 turbulence and cross winds related to wind turbines? I  
24 think they make reference in here to the height and  
25 stuff like that, but was there anything done with

1       turbulence created by wind turbines?

2               A.   Based on the section that you're asking  
3       questions of, I don't know the relevance of your  
4       question.

5               Q.   Well, this is in reference to the safety of  
6       aviation, correct, with wind turbines?

7               A.   Yes.

8               Q.   And if wind turbines create air  
9       turbulence --

10              A.   Yeah, this section, just for clarification,  
11       this section is mainly dealing with the FAA, dealing  
12       with heights of turbines and dealing with safety to  
13       folks that are in aircraft with the turbines.

14              Q.   Okay. So your answer would be, no, we did  
15       not do anything with air turbulence?

16              A.   We specifically did not because we are a  
17       review agency.

18              Q.   I just want to know if you did any studies  
19       on that. So you did not?

20              A.   No, we don't do studies.

21              Q.   So in reference to your section on Staff  
22       Report of Investigation on blade shear, this is a  
23       question similar to the one I asked Mr. Speerschneider,  
24       residential property setback 950 feet for the -- let me  
25       say this again here. The setback for the property line

1 is 541 feet. If somebody was walking on the edge of  
2 their property and they were 541 feet away from the  
3 wind turbine and the turbine is 500 feet high and blade  
4 shear occurs, is it possible they could be hit by,  
5 injured or injured by flying debris?

6 A. There is always a possibility, but it's a  
7 very low possibility based on our review of this  
8 application.

9 Q. The only way you can say there would be no  
10 possibility is if the turbine was not there, correct?

11 A. Based on your analogy, yes.

12 Q. Yes. Now, there was a -- Andrew Conway did  
13 a section in the Staff report on high winds. Are you  
14 familiar with that?

15 A. Yes.

16 Q. The wind turbines under consideration are  
17 designed to automatically shut down and stop producing  
18 energy at their cut-out speeds which range from 44  
19 miles per hour to 55 miles per hour. If this safety  
20 feature failed, would it result in blade shear?

21 A. That would be speculation. I don't really  
22 have an answer for you on that.

23 Q. Okay. This other question is similar to  
24 the question on the blade shear but this is in  
25 reference to ice throw. Based on the formulas -- let's

1 see, I'm going to read this whole statement to you. In  
2 your Staff Report of Investigation on ice throw, "The  
3 independent study performed by GWEI, recommends an  
4 empirical formula before of 150 percent of the sum of  
5 the hub height and rotor diameter --"

6 ALJ FARKAS: Mr. Grant. Mr. Grant, let me  
7 interrupt you for one second. Can you give me a  
8 reference to what you're reading?

9 MR. GRANT: Yes.

10 ALJ FARKAS: Thank you.

11 MR. GRANT: Give me a second.

12 ALJ FARKAS: Absolutely.

13 MR. GRANT: I'm on ice throw.

14 ALJ FARKAS: Is that page 38?

15 MRS. GRANT: Page 38.

16 MR. GRANT: Page 38 and 39.

17 ALJ FARKAS: Okay. Proceed.

18 Q. In your Staff Report of Investigation on  
19 ice throw, "The independent study performed by GWEI,  
20 recommends an empirical formula of 150 percent of the  
21 sum of the hub height and rotor diameter, when planning  
22 the location of wind turbines to address ice throw  
23 concerns. Based on this formula, it has been  
24 determined that turbines with similar dimensions to the  
25 GE models would need to be located a distance of

1 approximately 333 meters, (1,092 feet) from any  
2 occupied structure or heavily traveled road. Staff's  
3 evaluation of the turbine locations, utilizing this  
4 study, determined that no turbines would need to be  
5 relocated to meet this requirement."

6 My question is, again, if someone was  
7 walking on the edge of their property, 541 feet from a  
8 500 foot turbine, they would be closer than 1,092 feet  
9 to the turbine, so, again, they could possibly be  
10 injured, correct?

11 A. That is correct. However, what needs to be  
12 noted here is that the 541 distance is from  
13 nonparticipating property line. From a resident you  
14 have to be a minimum distance for this case of 750  
15 feet.

16 Q. Correct.

17 A. The setbacks for this particular project  
18 are for habitable structure is greater than that. The  
19 other thing to also remember is that anyone that's  
20 participating in the project, based on their agreement  
21 with the company, is basically allowing those things to  
22 occur on their property.

23 Q. So you could have one within 541 feet of  
24 your property line; is that correct?

25 A. No, they have to be a minimum of 541 feet.

1 They are agreeing --

2 Q. From your property line?

3 A. From the nonparticipating parcel property  
4 line. They are greater than that for this project.

5 Q. Okay. So this is a question I asked  
6 Mr. Speerschneider and I'd like to ask you, too. If I  
7 had a property that had two acres and a house was on  
8 one end of it and a turbine was 541 feet away from the  
9 end of the property line, would it be safe to build a  
10 house in that area, you know, because you've got one  
11 acre here with your house on it, you've got another  
12 acre right here, could I put another house right here  
13 and I'd still be on the edge of my property. I'd be  
14 closer than the recommended distance, would that be  
15 safe to do that?

16 A. That's going to be the responsibility of  
17 the property owner. Because what needs to be  
18 understood is that we have an application that's in  
19 front of the Staff for investigation and we've written  
20 a Staff report. At the time of that investigation  
21 we're dealing with the most available information. So  
22 if a certificate is issued, one that's allowed and  
23 constructed and then a house is built after the  
24 certificate, then those types of things are not  
25 incorporated into our investigation, nor the

1 certificate. So, therefore, the property owner is  
2 going to have to take it upon their own risk of what  
3 they think they should do in that situation.

4 Q. Would there be any notification going to  
5 these people saying, hey, you know, if you -- we're  
6 going to build this turbine here and if you was to put  
7 a house on this piece of property, it could be, I don't  
8 know, dangerous. I mean, how would the property owner  
9 know that he shouldn't put a house there or should or  
10 could be at risk?

11 A. Could you clarify the time frame for me and  
12 when you're speaking of this?

13 Q. Let's say the turbines are built and it's a  
14 year later and a person wants to build a house on  
15 his -- beside his house for his mother or whatever, and  
16 now that house is going to be says 600 feet from the  
17 wind turbine, just inside of his property line, is he  
18 allowed to do that? Is he restricted? Is it safe?

19 A. You've asked three different questions.

20 Q. Okay. First question, is it safe?

21 A. I can't answer that question. That's going  
22 to be dependent on that individual looking at the  
23 situation that they're putting themselves in and  
24 determining what factors are important to them or to  
25 understand if they feel they're safe. If they're not a

1 participating property owner, then obviously they  
2 should see that there's a turbine close by and so they  
3 need to make decisions for themselves on what they  
4 think they should do for that particular question.

5 Q. And there would be no like restrictions?

6 MR. LINDGREN: Objection. There's no  
7 foundation that Mr. Rostofer is familiar with land law  
8 or anything and how it's applied.

9 ALJ FARKAS: If he knows I'll let him  
10 answer.

11 A. I would be speculating.

12 MR. GRANT: Okay. I have no further  
13 questions.

14 ALJ FARKAS: Okay. Does Staff have any  
15 redirect?

16 MR. LINDGREN: No, your Honor.

17 ALJ FARKAS: You're excused. Thank you.  
18 Staff Exhibits 1 and 2 then moved for admission, any  
19 objection? Hearing none, seeing none, they will be  
20 admitted. You don't have any further witnesses?

21 MR. LINDGREN: The Staff has no further  
22 witnesses.

23 ALJ FARKAS: All right. I believe that  
24 concludes the witnesses we were going to hear from  
25 today. What I'd like to do is take a ten-minute recess

1 and we'll come back and I'll allow the parties to make  
2 closing statements in lieu of briefs. You can stand up  
3 for ten minutes and then come back.

4 (Off the record - recess)

5 ALJ FARKAS: Why don't we go back on the  
6 record. As I noted before we took a short recess, I  
7 would allow the parties to make closing statements.  
8 This is not -- you don't have to make a closing  
9 statement, if you don't want to, but are certainly  
10 welcome to make a closing statement if you do so  
11 choose. So start with the Applicant.

12 MR. SETTINERI: Thank you, your Honor.  
13 We'll make a very brief closing statement.

14 Starting first with the stipulation, the  
15 stipulation has been filed in this proceeding and the  
16 evidence in the record firmly supports that it's a  
17 product of serious negotiation, it doesn't violate the  
18 regulatory principle or statute and is in the best  
19 interest of the public and we've heard testimony here  
20 today supporting those conclusions.

21 Turning to the record in this matter, the  
22 record in this matter consists of both the applications  
23 as well as the testimony. We have a record that shows  
24 very conservative noise modeling, we have a shadow  
25 flicker analysis, we have also evaluation of setbacks,

1 in fact, we have in majority of the cases where the  
2 Company's turbines exceed the mandatory setback  
3 requirement.

4 In regards to the noise evaluation itself,  
5 we've had expert testimony today on noise. We've also  
6 had testimony regarding the turbine -- of the Company's  
7 experience with the lack thereof, with blade shear and  
8 ice flow, the invariable probability that those occur.  
9 So we have a very good record here supporting this  
10 project.

11 We also have a record showing the economic  
12 benefits of this project including tax increases as  
13 well as local jobs. And that's where the differences  
14 really come up in this case. You have economic  
15 development, which does lead to change and we have an  
16 area where people may not want to see change and that  
17 is a fair position to take. But when you balance those  
18 interests, and that what this Board does, the record  
19 firmly supports that this economic development should  
20 go forward.

21 And it is our hope that both the community  
22 and the -- I should say the interveners here with their  
23 preference to not have this development, but hopefully  
24 they'll find out that in the future that these  
25 turbines, this economic development can co-exist within

1       their community in such a way that would lead to very  
2       few complaints.

3               I'd also just speak briefly on the process  
4       here. The Applicant has followed the Ohio Power Siting  
5       Board process, notices have been given. We've had  
6       public hearings, public information meetings, public  
7       outreach, as well as mass mailings, so the process has  
8       worked here, voices have been heard. We've been able  
9       to reach a stipulation with various parties. We've  
10      also been able to address some interveners' concerns,  
11      specifically the Hamptons as we have a specific  
12      condition in the stipulation that addresses the  
13      Hamptons' issues with the POI substation and some  
14      additional screening that's actually very stringent.

15              So in closing, we believe the record  
16      supports the approval of the application, as well as  
17      the adoption of the Joint Stipulation and  
18      Recommendation by the parties. Thank you, your Honor.

19              ALJ FARKAS: Farm Bureau?

20              MR. ENDSLEY: Your Honor, just very  
21      briefly. We would again state for the record that we  
22      support and endorse the Joint Stipulation and  
23      Recommendation and don't wish to make any other closing  
24      arguments at this time, so, thank you.

1 ALJ FARKAS: Mr. Grant.

2 MR. GRANT: Yes. I just briefly would like  
3 to say I believe that we have some outdated methods for  
4 notification of the public about the construction of  
5 wind farms and I would like to see them, the Siting  
6 Board perhaps use better and EverPower using better  
7 communication, maybe direct mailings so that everybody  
8 in the footprint of a wind farm would be made aware of  
9 it early on in the project.

10 And there was some issues with property  
11 rights possibly being limited or not being able to use  
12 your property the way you'd like to and we're counting  
13 on the Public Utility Commission to protect us from  
14 unsafe conditions and we could be putting ourselves in  
15 jeopardy that maybe part of our property, where now we  
16 couldn't use it the way we thought we would be able to,  
17 or, if we did, it may not be as safe as it would have  
18 been. So I'm concerned with that.

19 And I feel that people in the area that's  
20 affected by wind farms and wind turbines being  
21 installed, they should have a say, they should be able  
22 to vote on it and if the majority of the people within  
23 the footprint of a wind farm, say five townships, vote  
24 in favor of that, then so be it. Because they are the

1 ones that will be affected by it.

2 And I'd like to say that I propose that the  
3 Ohio Power Siting Board enact new notification  
4 methods. I request the Siting Board allow residents in  
5 the affected townships to cast a vote on approval or  
6 disapproval of the Scioto Ridge Wind Farm Project and I  
7 will request that this application of the Scioto Ridge  
8 Wind Farm be denied by the Ohio Power Siting Board.

9 ALJ FARKAS: Okay. Thank you. Staff?

10 MR. LINDGREN: Thank you, your Honor. The  
11 Staff has done a thorough investigation of all the  
12 proposed projects in this case and, as Mr. Rostofer  
13 testified, Staff is convinced that with the conditions  
14 recommended in the joint stipulation, the Board should  
15 approve this project.

16 Now, with any type of project or any type  
17 of development, there's always going to be impact on  
18 the environment or neighboring landowners, but the  
19 conditions recommended in the stipulation will  
20 adequately mitigate any of these adverse effects and  
21 the Staff fully supports adoption of the stipulation  
22 and the building of these projects. Thank you.

23 ALJ FARKAS: Okay. Thank you. That  
24 concludes our hearing and thank you everyone for

1 participating and submitting this on the record to the  
2 Board. Thank you.

3 (Proceedings concluded at 12:05 p.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 January 22, 2014, and carefully compared with my original stenographic notes.

---

CATHERINE PASSMORE  
 Certified Shorthand Reporter and  
 Notary Public in and for the  
 State of Ohio

My commission expires July 23, 2018

- - -

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**Case No(s). 13-1177-EL-BGN, 13-1767-EL-BSB, 13-1768-EL-BTX**

Summary: Transcript in the matter of Hardin Wind LLC hearing held on 01/22/14 electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Passmore, Cathy