

OHIO POWER SITING BOARD

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In the Matter of the
Application by Vectren Energy ;
Delivery of Ohio for a : Case No.
Certificate of Environmental : 13-1651-GA-BTX
Compatibility and Public Need :
for the Vectren Energy Z-167 :
Natural Gas Pipeline Project. :

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PROCEEDINGS

Before Sarah Parrot, Administrative Law Judge,
held at the Vandalia Recreation Center, 1111
Stonequarry Road, Dayton, Ohio, on Monday,
February 10, 2014, at 6:00 P.M.

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Armstrong & Okey, Inc.
222 East Town Street, 2nd Floor
Columbus, Ohio 43215
(614) 224-9481 - (800) 223-9481
Fax - (614) 224-5724

- - -

APPEARANCES:

Bricker & Eckler
By Mr. Dane Stinson
and
Mr. Dylan Borchers
100 South Third Street
Columbus, Ohio 43215-4291

On behalf of the Applicant.

IceMiller
By Mr. Christopher L. Miller
Arena District
250 West Street
Suite 700
Columbus, Ohio 43215-7509

On behalf of the City of Dayton and
the City of Dayton Airport.

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Monday Evening,
February 10, 2014.
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ALJ PARROT: The Ohio Power Siting Board has assigned for public hearing at this time and place Case No. 13-1651-GA-BTX which is captioned In the Matter of the Application of Vectren Energy Delivery of Ohio, Inc. for a Certificate of Environmental Compatibility and Public Need for the Dayton Airport Z-167 Pileline Rerouting Project.

Good evening, everyone. My name is Sarah Parrot, I am an Administrative Law Judge in the Board's Legal Department and will be presiding at the hearing this evening.

Also with me is Steve Irwin and Ed Steele sitting in the back there. They are reps of the Power Siting Board Staff.

And at this time we are going to get started with appearances on behalf of the parties to the case. And let's start with the Company.

MR. STINSON: Thank you, your Honor. On behalf of Vectren Energy Delivery of Ohio, Dane Stinson and Dylan Borchers, Bricker &

1 Eckler, LLP, 100 South Third Street, Columbus,
2 Ohio 43215.

3 ALJ PARROT: Thank you, Mr.
4 Stinson. And on behalf of the City of Dayton.

5 MR. MILLER: Thank you, your Honor.
6 Christopher L. Miller of the law firm of
7 IceMiller, on behalf of the City of Dayton, City
8 of Dayton Airport.

9 My address is 250 West Street,
10 Columbus, Ohio 43215.

11 ALJ PARROT: Thank you very much,
12 Mr. Miller. The subject of today's hearing is
13 an application filed by Vectren Energy Deliver
14 of Ohio for a certificate of environmental
15 compatibility and public need for the purpose of
16 rerouting a three-mile segment of the Z-167 gas
17 pipeline at the Dayton International Airport and
18 portions of the City of Vandalia and Butler
19 Township, Ohio.

20 Vectren filed this application as
21 amended on November 15, 2013. I would also note
22 that the Board's Staff filed a Report of
23 Investigation on January 16, 2014. This is a
24 recommendation of the Board's Staff and does not
25 necessarily reflect what the Board's final

1 determination in this case will be.

2 The purpose of this evening's local
3 public hearing is to receive comments from the
4 public regarding Vectren's application in this
5 case. It is not a question and answer session,
6 but it's your opportunity to let the Board know
7 what you think about the proposed project.

8 And tonight's local public hearing
9 is only one aspect of the process in this case.
10 An evidentiary hearing is also scheduled to
11 commence on February 24, 2014 at the Board's
12 offices in Columbus.

13 Tonight's hearing is being
14 transcribed by a court reporter. If you plan to
15 testify please speak clearly so that the court
16 reporter can accurately reflect your comments on
17 the record.

18 Also if you have prepared a written
19 statement it would be helpful if you provide a
20 copy to the court reporter.

21 When you arrived you were offered
22 the opportunity to sign up to testify. After I
23 finish with my introduction I will begin calling
24 the witnesses forward that have signed
25 the sign-up sheet and ask that you come up to

1 the table and face the court reporter. Before
2 you give your comments I will ask you to state
3 your name and your address. And before you
4 present your testimony I will ask you to take an
5 oath or affirmation that what you are about to
6 say is the truth.

7 Your testimony tonight will be
8 considered part of the official record in this
9 case, and will be reviewed by the Board before a
10 final decision is made on the application.

11 Additionally, the parties to
12 the case and I will be permitted to ask you
13 questions about your statement. And primarily
14 that would just be for purposes of clarification
15 if necessary.

16 Should you decide that you do not
17 want to testify, when I call your name just pass
18 on to the next witness. And once you have
19 finished testifying, or if you are just here to
20 watch and you need to leave please feel free to
21 do so.

22 The Board appreciates your
23 participation in tonight's hearing, and we want
24 everyone who wishes to testify to have the
25 opportunity to do so. And at this point let's

1 get started with our first witness, who is Mr.
2 Scott Stevenson.

3 MR. STEVENSON: That is just my
4 information. I am sorry. I ran out of cards.

5 I am Scott Stevenson. I am with the
6 International Union of Operating Engineers,
7 Local 18.

8 ALJ PARROT: Can we get your
9 address?

10 MR. STEVENSON: 4352 Honey Locust
11 Lane, Beavercreek, Ohio 45432.

12 (WITNESS SWORN)

13 - - -

14 SCOTT STEVENSON
15 called as a witness, being first duly sworn,
16 testified as follows:

17 ALJ PARROT: Please continue.

18 MR. STEVENSON: I am not sure --
19 well, pretty sure that the contractor has not
20 been picked, or the contract has not been
21 awarded to somebody.

22 I believe that all of
23 the contractors that have bid this project are
24 signatory with Local 18. And I just wanted to
25 be here to answer any questions pertaining to

1 qualifications and safety with our members.

2 We have 4,000 operators doing
3 pipeline work in the state right now out of
4 15,000 or so. We worked with Columbia Gas,
5 Vectren.

6 We represent the operators that work
7 for all the different energy companies, not any
8 one in particular for that matter. It's Miller
9 or Mid-Ohio or Michaels.

10 All of our operators that have
11 worked on gas and pipeline have OQ safety, any
12 other safety training that is required by the
13 companies or the owners. I think Michaels has a
14 different one that we do. Safety Training,
15 Passport.

16 All these guys are qualified and
17 skilled to work around the natural gas or
18 natural gas pipelines in the area. So, there
19 shouldn't be any safety problems at all.

20 I just wanted to show up to answer
21 any questions if anybody had any questions about
22 the qualifications or skills of the people doing
23 the work.

24 ALJ PARROT: Thank you. If you wish
25 to maybe stay around after we finish. If folks

1 have questions I would appreciate that.

2 Any questions from the parties for
3 Mr. Stevenson? Thank you very much, Mr.
4 Stevenson.

5 Our next witness I believe, and I
6 apologize if I mispronounce, John Applegate.

7 Start by stating your name and
8 address for the record.

9 MR. APPLEGATE: My name is John
10 Applegate. My address is 118 North Main Street
11 in Union, Ohio. I am the City Manager for
12 the City.

13 (WITNESS SWORN)

14 - - -

15 JOHN APPLEGATE
16 called as a witness, being first duly sworn,
17 testified as follows:

18 ALJ PARROT: Please continue. And
19 if you wish, please, have a seat. Or stand or
20 sit, it's up to you.

21 MR. APPLEGATE: My comments will be
22 brief. As I said, my name is John Applegate,
23 and I am City Manager for the City of Union.

24 The city has worked closely with
25 Vectren on this project, the City of Dayton, the

1 Dayton International Airport's Director and
2 staff. Also with Montgomery County TID and
3 others on the alignment of this proposed gas
4 line, transmission line project.

5 The preferred route that we have
6 worked so hard and diligently on is the one that
7 the City of Union prefers. We fully support the
8 installation of this gas line proposed by this
9 project.

10 And basically that is the comments.
11 If there are any questions I would be glad to
12 answer them.

13 ALJ PARROT: Any questions for Mr.
14 Applegate from the parties?

15 MR. STINSON: No questions, your
16 Honor.

17 ALJ PARROT: Thank you very much.
18 That concludes the witnesses that have signed
19 the sign-in sheet, and at this time I will ask
20 if there are others in the room that wish to
21 testify?

22 Please come forward. And if you
23 could give us your name and address.

24 MR. WEISS: Sure. My name is Mark
25 Weiss, and I am from 1146 Dogleg Road, Tipp

1 City, Ohio, Butler Township.

2 (WITNESS SWORN)

3 - - -

4 MARK WEISS

5 called as a witness, being first duly sworn,
6 testified as follows:

7 ALJ PARROT: Please continue.

8 MR. WEISS: All right. I live on
9 Dogleg Road, and over the past several years a
10 lot of land, farm land, there has been annexed
11 into Union Township, and at much displeasure to
12 the residents living out there.

13 Now we see Vectren gas pipeline
14 wants to come along behind our homes, that is
15 their preferred route. And I have e-mailed the
16 engineers with Vectren and they e-mailed back to
17 me stating that, no, Vectren doesn't want to go
18 the preferred route, they want to go the
19 alternate route which was on their website. And
20 they had a preferred and alternate route. The
21 alternate route was about .6 miles shorter than
22 the preferred route.

23 And it went mainly along the airline
24 fence line as opposed to behind all
25 the residential homes on Dogleg Road. And I

1 spoke to a number of residents out there, and
2 none of us want to have a gas pipeline running
3 right on our property lines.

4 So, that is all I have.

5 ALJ PARROT: Any questions?

6 MR. STINSON: No questions, your
7 Honor.

8 ALJ PARROT: Thank you, Mr. Weiss.
9 Is there anyone else who wishes to offer
10 testimony?

11 I will give you a minute to think
12 about it, maybe not a minute. A few seconds.
13 It really is painless.

14 And, again, if you are here to have
15 questions answered we will stick around once we
16 wrap up for that purpose.

17 At this point I think we will go off
18 the record just to give folks an opportunity to
19 ask questions, then we will go back on the
20 record at that point and see if anyone at that
21 point has anything they wish to say. And if not
22 we will wrap things up officially at that point.

23 So, let's do that. We will just
24 give you a chance. Again, this is Steve Irwin
25 and Ed Steele. They are with the Board's Staff

1 and they can answer questions that you may have.

2 So, let's go off the record at this point.

3 (RECESS TAKEN)

4 ALJ PARROT: Let's go back on the
5 record. It's my understanding, Mr. Weiss, I
6 think you wanted to add to your testimony.

7 MR. WEISS: Yes. That is correct.

8 ALJ PARROT: And we will remind you
9 you are still under oath.

10 - - -

11 MARK WEISS

12 recalled as a witness, being previously duly
13 sworn, testified further as follows:

14 MR. WEISS: Okay. Wonderful. Back
15 in, sorry here, I apologize for using my phone
16 on you, but I had e-mailed Mr. Bower from
17 Vectren back in January, and at that time the
18 Vectren website had the preferred route as
19 the one that went behind all of our homes on
20 Dogleg.

21 ALJ PARROT: And, I am sorry, just
22 to clarify, that would have been January of
23 2013, I am guessing?

24 MR. WEISS: No, it was just last
25 month, January 2014, January 28th. Mr. John

1 Bower in Vectren, then he e-mailed me back and
2 said that Vectren was wanting to use the
3 alternate route than the one that was preferred
4 on their website.

5 Now, these charts here I guess are
6 their final decision on what is their preferred
7 route, and this preferred route here is
8 different than what was on their website.

9 So I am in agreement with this
10 preferred route as that is not the one that goes
11 behind our homes.

12 ALJ PARROT: Okay.

13 MR. WEISS: All right?

14 ALJ PARROT: Questions in response
15 to that testimony?

16 MR. STINSON: No questions, your
17 Honor.

18 ALJ PARROT: Thank you very much.
19 And our next witness is Steve Stanley.

20 And you can begin by stating your
21 name and address for the record.

22 MR. STANLEY: Sure. My name is
23 Steve Stanley, I am the Executive Director of
24 the Montgomery County Transportation Improvement
25 District.

I am here to testify in favor of the proposed or preferred location of the high pressure line.

(WITNESS SWORN)

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STEVE STANLEY

called as a witness, being first duly sworn, testified as follows:

ALJ PARROT: Continue.

MR. STANLEY: I am here to testify in favor of the preferred location. I believe you heard earlier this evening from the City Manager of the City of Union.

And we have worked closely with Vectren on locating, placing the preferred location in this location. I think it's the right one. It provides for the proper relocation of the line in a way that doesn't endanger the airport, obviously. And also is sensitive to our comments about preserving the amount of development land that was possible in the area.

So, I think it's better in just about every respect. And I would encourage you to proceed expeditiously.

1 ALJ PARROT: Thank you. Any
2 questions?

3 MR. STINSON: No, questions, your
4 Honor.

5 MR. STANLEY: I would be happy to
6 follow that up with written comments.

7 ALJ PARROT: Okay. Thank you.

8 MR. STANLEY: Thank you.

9 ALJ PARROT: All right. That is
10 the end of our list at this point. Is there
11 anyone else in the room tonight who would wish
12 to offer comments for the record? Mr.
13 Stevenson.

14 - - -

15 SCOTT STEVENSON
16 recalled as a witness, being previously duly
17 sworn, testified further as follows:

18 MR. STEVENSON: I just want to make
19 clear that we have an understanding whether it's
20 the preferred route or the alternate route, that
21 is between Vectren and the landowners, we just
22 want to make sure whichever way it goes we want
23 to be here to answer questions that it will be
24 done safely, productively, and on budget. And
25 make sure that it doesn't cause anymore

1 inconvenience than necessary to anybody.

2 ALJ PARROT: Thank you. Mr. Weiss.

3 MR. WEISS: Is there any plan to
4 supply any of this new gas line for the new
5 construction that is going out north of Jackson
6 Road?

7 ALJ PARROT: I think Mr. Irwin can
8 help address that question once we wrap up this
9 evening. Did you have anything else to add to
10 your statement though at this point before we
11 conclude the hearing?

12 MR. WEISS: No.

13 ALJ PARROT: Okay. Well, hold that
14 thought. We will get to that.

15 Anybody else who has sworn testimony
16 to offer this evening? One last change.

17 All right. Well, seeing no one I
18 thank everyone for coming tonight. And this
19 concludes our hearing officially.

20 The testimony that is offered
21 tonight will be submitted to the Board for its
22 consideration.

23 UNIDENTIFIED SPEAKER: I thought we
24 were going to have the time to ask questions.

25 ALJ PARROT: After we wrap up

1 officially, yes, we will do that.

2 As I was saying, the testimony will
3 be submitted to the Board for its consideration
4 in this case. We will remain after we wrap up
5 for questions, in case you have any, about how
6 the Board's process works or how you can file
7 comments. We just had Mr. Stanley mention that
8 he is maybe going to file written comments.

9 That is something you can do, send
10 those comments to the Ohio Power Siting Board.
11 And I can give you more information about how to
12 do that if you are interested.

13 But at this point if there are no
14 further witnesses we will officially end the
15 hearing, and thank you everyone again for
16 coming.

17 (At 6:40 P.M. the hearing was
18 concluded)

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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
February 10, 2014, and carefully compared with
my original stenographic notes.

Michael O. Spencer,
Registered Professional
Reporter.

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Commission of Ohio Docketing Information System on

2/12/2014 11:54:54 AM

in

Case No(s). 13-1651-GA-BTX

Summary: Transcript in the matter of Vectren Energy Delivery of Ohio hearing held on 02/10/14 electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Spencer, Michael O. Mr.