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PUBLIC UTILITIES COMMISSION OF OHIO

PUBLIC HEARING

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CASE NUMBER: 13-990-EL-BGN

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Tuesday, May 6, 2014

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Public Utilities Commission of Ohio

Local Public Hearing, In the Matter of the  
Application of 6011 Greenwich Windpark, LLC for a  
certificate to construct a wind-powered electric  
generation facility in Huron County, Ohio

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1 HEARING OFFICER: Good evening.

2 Can everybody hear me?

3 In the event that you can't, please  
4 just kind of waive your hand. This mic  
5 is a little overpowering tonight.

6 My name is Greta See and I am the  
7 administrative law judge assigned by the  
8 Ohio Power Siting Board to conduct this  
9 proceeding.

10 Tonight, scheduled for hearing at  
11 this time, is Case No. 13-990-EL-BGN  
12 entitled, "In the Matter of the  
13 Application of 6011 Greenwich Windpark,  
14 LLC for a certificate to construct a  
15 wind-powered electric generation  
16 facility in Huron County, Ohio."

17 I'll be presiding over the hearing  
18 tonight. And as you came into the -- as  
19 you came into the school, there was one  
20 other board personnel, Matt Butler. He  
21 is also with the Ohio Power Siting  
22 Board. If you have a question about the  
23 Commission's process, feel free to  
24 approach Matt or myself and we'll try to  
25 get those questions addressed for you.

1           At this time I would like to take  
2           an appearance on behalf of the parties.  
3           On behalf of Greenwich.

4           MR. BORCHERS: Thank you, Your  
5           Honor. On behalf of the applicant,  
6           Dylan Borchers, with the law firm  
7           Bricker and Eckler, 100 South 3rd  
8           Street, Columbus, Ohio, 43215. Also on  
9           behalf of the applicant is Monica Jenson  
10          who is available to answer questions  
11          after testimony. Thank you, Your  
12          Honor.

13          HEARING OFFICER: And now just a  
14          little bit of background on the  
15          application. Greenwich filed its  
16          initial application for approval to  
17          construct a wind-power electric  
18          generation facility over the course of  
19          three days, December 23rd, 24th and  
20          27th, 2013. As the applicant has  
21          proposed, the generation facility would  
22          consist of no more than 25 wind turbine  
23          generators, access roads, underground  
24          electrical interconnection, an  
25          interconnection substation, a lay down

1 yard for construction and two  
2 metrological towers to be located in  
3 Greenwich Township, Huron County. Each  
4 turbine will have a name plate capacity  
5 of 2.4 megawatts, for a total generating  
6 capacity of 60 megawatts. The wind  
7 facility is expected to operate at an  
8 average annual capacity factor of 40  
9 percent, collectively generating 210,000  
10 megawatts of electricity per year.

11 The project will be located on  
12 approximately 4,650 acres of leased  
13 land. The applicant estimates that  
14 construction would commence in mid 2015  
15 and the facility would be placed into  
16 operation in late 2015.

17 The Board staff has reviewed,  
18 evaluated and investigated the  
19 application and filed its report of  
20 investigation on April 18th, 2014.

21 I just want to mention that the  
22 Board -- the Board's staff report is  
23 available on the Commission's docket,  
24 and you can access it via our web site  
25 and read it there online. In addition,

1           there are copies here just outside the  
2           gymnasium.

3           I emphasize that the staff report  
4           is the recommendation of the Board staff  
5           and does not necessarily reflect the  
6           Board's final determination in this  
7           case.

8           This local public hearing is one  
9           aspect of the process. There is also an  
10          evidentiary hearing scheduled for May  
11          19th in Columbus, Ohio at the Board's  
12          offices.

13          The purpose of tonight's hearing is  
14          to receive comments from the public  
15          regarding Greenwich's application. It  
16          is not a question-and-answer session.  
17          You should get your questions answered  
18          before offering testimony. If you have  
19          questions about the project, approach  
20          Greenwich, which Mr. -- Dylan -- I  
21          forgot your last name that quickly.

22          MR. BORCHERS: Borchers, Your  
23          Honor.

24          HEARING OFFICER: Mr. Borchers has  
25          pointed out to you. And if you have

1           questions about the process, you can see  
2           myself or Matt.

3           Tonight's hearing is being  
4           transcribed by a court reporter. If you  
5           plan to offer testimony, please speak  
6           clearly so that your comments are  
7           accurately recorded. And if you have a  
8           written statement, if you could provide  
9           it to the court reporter afterwards,  
10          that would be helpful.

11          When you arrived, as I mentioned  
12          earlier, you were offered an opportunity  
13          to indicate whether you wanted offer  
14          testimony. That is the order that we'll  
15          go in tonight. And as I said earlier,  
16          we'll open it up at the end for anyone  
17          that has changed their mind and wishes  
18          to offer testimony.

19          If when I call your name you decide  
20          at that time that you no longer want to  
21          offer testimony, you can just say that  
22          you pass and we'll go to the next  
23          within.

24          When I call you forward, I'll ask  
25          you to raise your right hand and swear

1 or affirm that the information you're  
2 about to give is true. I'll also ask  
3 you to state and spell your name for the  
4 record and provide us your address.

5 The transcript tonight and all the  
6 comments given will be considered by the  
7 Board before they make their final  
8 decision on this project.

9 I think that's all. And we  
10 appreciate you coming out tonight.

11 Are there any questions about the  
12 process at this point?

13 Okay. Let's start with our first  
14 witness. And I will ask you now, please  
15 forgive me if I mispronounce your name.

16 First witness I have here is a  
17 Harold E. Zager.

18 - - - - -

19 HAROLD E. ZAGER,

20 After having been first duly sworn, as  
21 hereinafter certified, was examined and testified  
22 as follows:

23 HEARING OFFICER: Okay. Please  
24 state and spell your name for the record  
25 and give us your address.

1           MR. ZAGER: Harold Zager,  
2           Z-A-G-E-R. My address is 1325 Township  
3           Road 653, Ashland, Ohio.

4           HEARING OFFICER: Okay. Please  
5           proceed with your comments, sir.

6           MR. ZAGER: We have a -- my wife  
7           has several parcels of land in Greenwich  
8           Township. We hope that there will be a  
9           wind tower provided on our property. We  
10          look forward to this as being a very  
11          profitable thing for Greenwich  
12          Township. There's several facts that  
13          probably you're used to, but Greenwich  
14          Township and Huron County, in total, has  
15          probably the highest unemployment rate  
16          of anybody in this area.

17          This project will help alleviate  
18          that. There will be people that will be  
19          employed permanently here. The money  
20          they receive, the land owners receive  
21          will be certainly adequate for what the  
22          purpose of the property is. In fact,  
23          probably some of them are not here  
24          tonight because they are working on the  
25          farm. That probably hurt the audience

1 quite a bit.

2 We have another project that is  
3 going through some land in Ashland  
4 County. That's a pipeline. It is going  
5 through Huron County, also. And we  
6 notice over there that after the  
7 pipeline paid their dues for the right-  
8 of-ways and so forth, there seemed to be  
9 some new cars and new pickups and new  
10 buildings and things like that, which is  
11 a good sign of money coming into the  
12 community, which they need very badly.

13 The other thing I would like to  
14 point out, to the best of my knowledge,  
15 the power that Ohio receives from wind  
16 towers is, I think, dictated by the  
17 law. And they have been buying a lot of  
18 power now from wind towers from Iowa.  
19 This would be a chance for Ohio to start  
20 buying power -- or more power from wind  
21 towers within the state, which would  
22 help the economy and help the state.

23 I think that the -- I would like to  
24 recommend very highly that the Ohio  
25 Power Siting Board recommend this

1 project. I believe the -- anything that  
2 would be a discomfort to these towers  
3 are certainly minimal. It -- we have  
4 looked at it very carefully, and it  
5 looks like -- we were able to look at  
6 this stuff very, very carefully. We see  
7 a very complete information available to  
8 the land owners. So I would very highly  
9 recommend that you approve this project  
10 for the wind tower and for Huron  
11 County. Thank you.

12 HEARING OFFICER: Just a minute,  
13 Mr. Zager. Hold on.

14 MR. ZAGER: I can't get out of it?

15 HEARING OFFICER: I will give  
16 counsel an opportunity, if there's any  
17 cross-examination, and I also will have  
18 a chance to just ask a few questions.

19 Any cross-examination?

20 MR. BORCHERS: No, Your Honor.  
21 Thank you.

22 HEARING OFFICER: Okay. Mr. Zager,  
23 said you've been seeing information  
24 available to land owners. How are you  
25 receiving that information from the

1 applicant?

2 MR. ZAGER: Both by mail and by  
3 personal contact.

4 HEARING OFFICER: Okay.

5 MR. ZAGER: Very good information.  
6 Very correct. It's a pleasure to work  
7 with these people.

8 HEARING OFFICER: All right. Thank  
9 you very much, sir.

10 The next witness is Jerry Huffman.

11 MR. HUFFMAN: I pass.

12 HEARING OFFICER: Okay. The next  
13 witness I have on the list is Martha  
14 Huffman.

15 MS. HUFFMAN: I pass.

16 HEARING OFFICER: Pass also.

17 Okay. Let me check and see if  
18 there are anymore witnesses that have  
19 signed in or that have even come in.

20 There is an indication there aren't  
21 anymore witnesses that have signed up.

22 At this time I would like to give  
23 everyone here that has not had an  
24 opportunity for testimony to offer  
25 testimony if they so desire. Please

1 raise your hand. Any? Okay. Everyone  
2 sure they don't want to take this  
3 opportunity to offer testimony?

4 Okay. Let's take a five-minute  
5 recess, just to determine if anybody  
6 else shows up. We'll reconvene in a few  
7 minutes.

8 - - - - -

9 (Recess had.)

10 - - - - -

11 HEARING OFFICER: Let's reconvene,  
12 please.

13 Is there anyone that wishes to  
14 offer testimony?

15 Noting that there is no indication  
16 that there's --

17 MR. LEBER: Yes, I do.

18 - - - - -

19 WALTER LEBER,

20 After having been first duly sworn, as  
21 hereinafter certified, was examined and testified  
22 as follows:

23 HEARING OFFICER: I need you to  
24 state and spell your name for the record  
25 and give us your address.

1           MR. LEBER: My name is Walter  
2           Leber. Last name L-E-B-E-R.

3           HEARING OFFICER: And your address,  
4           Mr. Leber?

5           MR. LEBER: 5151 Ninevah Road,  
6           Greenwich.

7           HEARING OFFICER: Can you spell the  
8           street for me?

9           MR. LEBER: N-I-N-E-V-C-H.

10          HEARING OFFICER: Okay. Proceed  
11          with your testimony.

12          MR. LEBER: Good evening. I see a  
13          lot of my fellow residents and local  
14          politicians here tonight and public  
15          servants, and if you don't know who I  
16          am, I'm Walter Leber, I'm one of the  
17          Greenwich Township Trustees. And some  
18          of what I'm trying to figure out isn't  
19          so much, maybe, the testimony, as I'm  
20          trying to figure out whether this is  
21          good for our community or not. And as a  
22          whole, I think it is. I think if it's  
23          done right, it will be. I still have  
24          issues on the money. I understand  
25          everybody sees dollar signs, how much is

1 going to come to the schools, the  
2 township, the county, the library,  
3 mental health and everything, and it  
4 reminds me of things in the past when we  
5 had an issue on the ballot about the  
6 lottery and it was going to go to help  
7 the schools. And we all voted for it  
8 because we thought this is where the  
9 money would go. Most of know it went to  
10 general funds, and the schools, some of  
11 them are broke.

12 I don't want to see us get the  
13 possibility of a 250,000 or 300,000  
14 amount of money each year come to the  
15 schools but somewhere else 300,000 is  
16 taken away and we don't gain a stroke in  
17 the water. I don't know how we can do  
18 it that we can guarantee that this money  
19 will come to the schools, that it won't  
20 be replaced or it won't go into a  
21 general fund. I don't know how we can  
22 come about doing this.

23 I don't -- as a township trustee, I  
24 don't want to tell people what they can  
25 or can't do on their property. For

1 people that are for the wind turbines,  
2 that's fine. For the people that are  
3 against, that's fine. This is why we  
4 have this country. But at this same  
5 time, I'm told that I can negotiate a  
6 better price for people. I am told a  
7 lot of things, which I'm trying to sort  
8 out to find out what's the truth and  
9 what isn't.

10 I find that to have this come in  
11 our township, my main concern is the  
12 roads. How can I help the community and  
13 everybody get in and out, go back and  
14 forth to school, have their jobs and  
15 have their security while this is  
16 happening. This is all new to us in  
17 Huron County. It's the first one in our  
18 township. There may be more. Who  
19 knows. But I'm trying to sort  
20 everything out so I can give people the  
21 proper facts when they call me, being as  
22 I'm one of three trustees -- the other  
23 two get the information also -- that we  
24 can answer your questions and hopefully  
25 answer them right.

1           If I had the choice between this  
2           and fracking, I would choose the wind  
3           turbines. I personally don't trust the  
4           fracking. I think there could be issues  
5           down the road with our water supply. I  
6           attended a meeting two years ago, a  
7           summer conference, and I asked the guy  
8           when he was done talking about the  
9           fracking how long he thought the line  
10          would last in the water table.

11                 And he asked me, "What do you  
12          mean?"

13                 And I go, "Will it last a century?"

14                 And he said, "You mean hundred  
15          years?"

16                 And I go, "Yes."

17                 And he said, "I don't know. I  
18          won't be here, so I'm not going to worry  
19          about it."

20                 I wasn't satisfied with that  
21          answer. I'm still not sure what could  
22          be done below because we can't see what  
23          we're doing. We don't know depth. And  
24          I'm not -- I'm just a farmer. I'm not a  
25          scientist. I'm not an engineer. But

1 common sense goes a long way.

2 When they told me that Ohio had 170  
3 disposal wells already approved for the  
4 stuff coming from Pennsylvania, I didn't  
5 want to see disposable wells drilled in  
6 Huron County. I don't want to see stuff  
7 force in the ground that we don't need.

8 I know I'm getting a little  
9 sidetracked from the wind turbines. I'm  
10 sorry. I apologize, Your Honor.

11 But there is so many things that  
12 come in through the township that's  
13 changing the face of our township.  
14 These wind turbines will change the  
15 face. It will change the landscape. It  
16 will change the way people look at it,  
17 at energy. I think some of this, we're  
18 being -- how I want to say -- twisting  
19 our arm a little bit, and consider this  
20 because it is go green versus with the  
21 coal -- if they shut down the coal  
22 turbines, we don't have any say in it.  
23 We'll be forced to have alternative  
24 energy regardless, because that's the  
25 way the government wants to go. Whether

1           that's what we the people want, I'm not  
2           sure.

3           I think if you gave a straw pull  
4           tonight who was in favor or who isn't,  
5           you would probably get somewhat of an  
6           idea what people want. Like I said  
7           before, I don't want to tell people they  
8           can or can't have these. It's not my  
9           job. It's not my position. I'm just  
10          here to look out for the residents in  
11          the community and see it's done right.  
12          Thank you.

13          HEARING OFFICER: Just a minute.  
14          Is there any cross-examination for this  
15          witness?

16          MR. BORCHERS: No, Your Honor.

17          HEARING OFFICER: Okay.

18          MR. LEBER: Are you sure?

19          MR. BORCHERS: Yes, sir. Thank you  
20          for your testimony.

21          HEARING OFFICER: Thank you.

22          If there is no one else here that  
23          wishes to offer testimony tonight -- let  
24          the record reflect that there are no  
25          hands up -- hearing is adjourned.

1           Thank you all for taking time out  
2           of your evening to come out today. We  
3           appreciate it.

4           - - - - -

5           (Hearing adjourned at 6:42 p.m.)

6           - - - - -

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3 I, Katrina L. Dearborn, Notary Public within  
and for the State of Ohio, duly commissioned and  
4 qualified, do hereby certify that the within-  
named witnesses were first duly sworn to testify  
5 the truth, the whole truth, and nothing but the  
truth in the cause aforesaid; that the testimony  
6 then given by him/her was by me reduced to  
stenotypy in the presence of said witnesses,  
7 afterwards transcribed on a computer, and that  
the foregoing is a true and correct transcript of  
8 the testimony so given by him/her as aforesaid.

9 I do further certify that this arbitration  
was taken at the time and place in the foregoing  
10 caption specified and was completed without  
adjournment.

11 I do further certify that I am not a  
12 relative, employee of, or attorney for any of the  
13 parties in the above-captioned action; I am not a  
14 relative or employee of an attorney for any of  
15 the parties in the above-captioned action; I am  
16 not financially interested in the action; I am  
not, nor is the court reporting firm with which I  
am affiliated, under a contract as defined in  
Civil Rule 28(D); nor am I otherwise interested  
in the event of this action.

17 IN WITNESS WHEREOF I have hereunto set my  
hand and affixed my seal of office at Cleveland,  
18 Ohio on this 8th day of May, 2014.

Robert Clark

Katrina L. Dearborn, Notary Public  
In and for the State of Ohio.  
my commission expires 11-02-15.