

BEFORE THE OHIO POWER SITING BOARD

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In the Matter Of:	:
The Application of American	:
Transmission Systems,	:
Incorporated for the Third	: Case No.
Amendment to the Certificate of	: 14-811-EL-BTA
Environmental Compatibility and	:
Public Need for the East	:
Springfield-London-Tangy	:
Transmission Line Project.	:

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PROCEEDINGS

Before Administrative Law Judge Bryce McKenney, held at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Hearing Room 11-C, Columbus, Ohio, on Monday, August 4, 2014, at 10:00 A.M.

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1 APPEARANCES:

2 Porter Wright Morris & Arthur LLP  
3 By Mr. Robert J. Schmidt, Jr.  
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5 Suites 2800-3200  
6 Columbus, Ohio 43215

7 On behalf of the Applicant.

8 Mr. Ryan P. O'Rourke  
9 Assistant Attorney General  
10 Public Utilities  
11 180 East Broad Street  
12 6th Floor  
13 Columbus, Ohio 43215

14 On behalf of the Staff of the  
15 Ohio Power Siting Board.

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DIRECT CROSS

APPLICANT' WITNESSES

Jessica L. Thacker

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STAFF'S WITNESSES

Klaus Lambeck

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Monday Morning,  
August 4, 2014.

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ALJ MCKENNEY: Good morning. The Ohio Power Siting Board calls for hearing at this time and place Case No. 14-811-EL-BTA being inthe matter of the application of America Transmission Systems, Inc. for an amendment to its certificate to construct the East Springfield-London-Tangy 138 kilovolt transmission line project.

My name is Bryce McKenney, I am the Administrative Law Judge assigned by the Board to hear this case.

At this time I would like to take the appearances of the parties. Let's begin with the Company.

MR. SCHMIDT: Good morning. Robert J. Schmidt, Porter, Wright, Morris & Arthur, 41 South High Street, Columbus, Ohio 43215, on behalf of the Applicant in this case, American Transmission Systems Incorporated.

With me is Ms. Jessica Thacker who will be testifying on behalf of ATSI today.

ALJ: Thank you, Mr. Schmidt. On behalf of Staff.

MR. O'ROURKE: Thank you, your Honor. Ryan O'Rourke with the Ohio Attorney General's office

1 representing Staff today. My address is 180 East Broad  
2 Street, 6th Floor, Columbus, Ohio 43215.

3 ALJ: Thank you, Mr. O'Rourke. At this time I  
4 would like to note for the record that we have no members  
5 of the general public here today that have arrived to give  
6 public testimony. But if anyone from the general public  
7 does arrive before we finish this they will be given an  
8 opportunity to provide public testimony this morning.

9 I would also like to note for the record that  
10 the purpose of this morning's hearing is to satisfy  
11 the requirements of Section 4906.07 B of the Ohio Revised  
12 Code  
13 which states that "The Board shall hold a hearing in the  
14 same manner as a hearing is held in an application for a  
15 certificate if the proposed change in the facility would  
16 result in a material increase in the environmental impact  
17 of the facility or substantial change to location of all or  
18 a portion of the facility."

19 Pursuant to Administrative Law Judges entry  
20 issued on July 18, 2014 the Administrative Law Judge found  
21 that this case would change the location of the line  
22 outside the 1000 foot study corridor for the certificate  
23 case. Therefore, the application for the certificate for  
24 the proposed change would result in a substantial change in

the location of a portion of the line.

At this time we will go ahead and proceed with this hearing. Mr. Schmidt, are you prepared to call your first witness?

MR. SCHMIDT: I am, your Honor. On behalf of American Transmission Systems Incorporated we would like to call Ms. Jessica Thacker.

(WITNESS SWORN)

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JESICCA L. THACKER

called as a witness on behalf of the Applicant, being first duly sworn, testified as follows:

ALJ: Please state your name and address for the record.

THE WITNESS: My name is Jesicca Thacker. And my work address is 76 South Main Street, Akron, Ohio 44308.

ALJ: Thank you, Ms. Thacker. Mr. Schmidt.

DIRECT EXAMINATION

By Mr. Schmidt:

Q. Good morning, Ms. Thacker. You just provided us with your address. Could you tell us where you work and generally what your job duties entail?

A. I work at FirstEnergy as an engineer in the transmission siting department.

1 MR. SCHMIDT: Your Honor, I would like to  
2 approach the witness.

3 ALJ: You may approach.

4 (EXHIBIT MARKED FOR THE PURPOSE OF  
5 IDENTIFICATION)

6 Q. Ms. Thacker, I am handing you what has been  
7 marked for identification purposes as Exhibit No. 1. Do  
8 you have that document in front of you?

9 A. Yes, I do.

10 Q. Could you tell me, have you seen this document  
11 before?

12 A. Yes.

13 Q. Can you tell me what it is?

14 A. It is my prefiled testimony.

15 Q. Did you prepare this document?

16 A. Yes, I did.

17 Q. Was this document filed in this case?

18 A. Yes, it was.

19 Q. Is there anything in this document that you  
20 wish to change at this time recarding your prefiled  
21 testimony?

22 A. No.

23 Q. Is the information contained in this prefiled  
24 testimony true and accurate to the best of your



1 information and belief?

2 A. Yes.

3 Q. Does your prefiled testimony include a summary  
4 of your experience and education and training?

5 A. Yes, it does.

6 Q. Is that included at the end of the document?

7 A. Yes, it is.

8 Q. And is that information also true and accurate  
9 to the best of your information and belief?

10 A. Yes.

11 (EXHIBIT MARKED FOR THE PURPOSE OF  
12 IDENTIFICATION)

13 Q. Ms. Thacker, I am handing you what has been  
14 marked for identification purposes as Exhibit 2. Have you  
15 seen this document before?

16 A. Yes.

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

18 A. This is the third amendment to the East  
19 Springfield-London-Tangy 138 kV transmission line project.

20

21 Q. Were you involved in the preparation of this  
22 document?

23 A. Yes. I was responsible for the development of  
24 the document and submittal.

1           Q.    Can you describe generally the reason that ATSI  
2   has prepared and filed this third amendment?

3           A.    The third amendment was filed to accommodate  
4   the existing land use of the area described in the third  
5   amendment.  It also avoids any potential maintenance  
6   issues concerning the original proposed route.

7           Q.    What were the concerns with operation and  
8   maintenance of the original proposed route that were  
9   corrected in this  application?

10          A.    From conversations with the property owners and  
11   tenants on this existing quarry and there is plans for  
12   expansion of the quarry, and also at the end of the use of  
13   the quarry it is going to be filled with water.  That would  
14   create some issues with maintenance of a transmission line  
15   through the middle, potentially middle of the quarry.

16          Q.    As a general matter ATSI does not prefer to  
17   site transmission lines over open water?

18          A.    No, we do not.

19          Q.    Once the decision was made to relocate this  
20   portion of the East Springfield-London-Tangy transmission  
21   line can you describe the process that ATSI undertook to  
22   prepare the application and gather the necessary  
23   information for that application?

24          A.    URS was contracted to do the field work

1 associated with the amendment, and they were also  
2 contracted to prepare a draft of the third amendment  
3 filing.

4 Q. What type of field work did you ask the  
5 consultant, URS, to gather?

6 A. They completed a wetland delineation, a  
7 cultural resource evaluation, and a stream identification  
8 study.

9 Q. Was the information gathered during this field  
10 work by URS provided to you in your capacity as the person  
11 who prepared the application for ATSI?

12 A. Yes.

13 Q. Have you reviewed that information?

14 A. Yes.

15 Q. Based upon your review of that information, and  
16 as part of your preparation of the application, did you  
17 take into consideration whether or not there would be any  
18 increased impacts associated with the movement of the  
19 transmission line from the original approved route to the  
20 location of the third amendment?

21 A. We did look at if there would be any additional  
22 impacts, and from the field work study there was little to  
23 no additional impacts from the original approved route to  
24 what is presented in the amendment.

1           Q.   For purposes of relocating from the original  
2 approved route to the route that is proposed in the third  
3 amendment, have all the property owners that would be  
4 involved in the relocation of the route agreed to the  
5 relocation?

6           A.   Yes, they have.

7           Q.   Turning back to Exhibit 2, the application.  
8 You indicated that you had prepared that application on  
9 behalf of ATSI, the Applicant?

10          A.   Yes.

11          Q.   To the best of your information and belief is  
12 all of the information in the application true and  
13 accurate?

14          A.   Yes.

15                   (EXHIBIT MARKED FOR THE PURPOSE OF  
16 IDENTIFICATION)

17          Q.   Ms. Thacker, I am handing you what has been  
18 marked for identification purposes as Exhibit 3. Have you  
19 seen this document before?

20          A.   Yes.

21          Q.   Can you tell me what that document is?

22          A.   It is the list of property owners that were  
23 given letters concerning the third amendment and also an  
24 example of the letters.

1 Q. Were you responsible for preparing the notice  
2 letter that was sent to the property owners in this case?

3 A. Yes.

4 Q. Were you responsible for preparing the address  
5 list of the property owners that were to receive notice in  
6 this case?

7 A. Yes.

8 Q. Was the list of property owners that you  
9 prepared in this case a list of all the property owners  
10 that would be affected by the amendment?

11 A. Yes.

12 Q. And that included all of the property owners of  
13 the property upon which the route would be relocated on?

14 A. Yes.

15 Q. All property owners that would be contiguous to  
16 the relocated route?

17 A. Yes.

18 Q. And all property owners that could be  
19 approached by FirstEnergy for purposes of an easement or  
20 other access rights?

21 A. Yes.

22 Q. On what date approximately were these notice  
23 letters mailed?

24 A. July 23rd, 2014.

1           Q.   And as you sit here today have you received any  
2 of them back for failure of delivery?

3           A.   No.

4           MR. SCHMIDT:  At this time I have no further  
5 questions for the witness, your Honor.

6           ALJ:  Thank you, Mr. Schmidt.  Anything from  
7 Staff?

8           MR. O'ROURKE:  Nothing from Staff.

9           ALJ:  Thank you, Ms. Thacker.  I have no  
10 questions.  You are excused from the stand.

11           Any objectioned to the -- or sorry.  Company  
12 Exhibits 1, 2 and 3 will be so marked  as indicated.

13           MR. SCHMIDT:  We would move for their  
14 admission.

15           ALJ:  Any objection to the admission of Company  
16 Exhibits 1, 2 and 3?

17           MR. O'ROURKE:  No, your Honor.

18           ALJ:  They will be so admitted.                                 (EXHIBITS  
19 ADMITTED INTO EVIDENCE)

20           ALJ:  Anything further from the Company?

21           MR. SCHMIDT:  No, your Honor.

22           ALJ:  Thank you, Mr. Schmidt.  Mr. O'Rourke.

23           MR. O'ROURKE:  Staff calls Klaus Lambeck.

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KLAUS LAMBECK

called as a witness on behalf of the Staff, being first  
duly sworn, testified as follows:

ALJ: Mr. Lambeck, I will ask you to state your  
name and address for the record.

THE WITNESS: My name is Klaus Lambeck. My  
address is 180 East Broad Street, 6th floor, Columbus,  
Ohio 43215.

ALJ: Thank you. Mr. O'Rourke.

MR. O'ROURKE: Thank you, your Honor.

DIRECT EXAMINATION

By Mr. O'Rourke:

Q. Mr. Lambeck, by whom are you employed?

A. I am employed by the Public Utilities  
Commission of Ohio as Chief of the Facilities Siting and  
Environmental Analysis Division.

Q. And what are your job responsibilities?

A. I basically oversee the day-to-day operations  
of the Division, which includes Power Siting.

MR. O'ROURKE: May I approach, your Honor?

ALJ: Yo may.

(EXHIBITS MARKED FOR THE PURPOSE OF  
IDENTIFICATION)

1 MR. O'ROURKE: Your Honor, I have two exhibits  
2 that I would like to have marked. Staff Exhibit No. 1  
3 would be the prefiled testimony of Klaus Lambeck.

4 ALJ: It will be so marked.

5 MR. O'ROURKE: And Staff Exhibit 2 would be the  
6 Staff Investigation and Report and Recommendation.

7 ALJ: It will be so marked.

8 Q. Mr. Lambeck, you have just been handed two  
9 exhibits. I would like you to turn your attention to  
10 Staff Exhibit 1. Have you seen that before?

11 A. Yes.

12 Q. What is that?

13 A. It is my prefiled direct testimony.

14 Q. Do you have any additions or corrections that  
15 you would like to make to that?

16 A. No.

17 Q. And are your answers in that testimony truthful  
18 and accurate to the best of your knowledge?

19 A. Yes.

20 Q. And if I were to ask you those same questions  
21 would your answers be the same?

22 A. Yes.

23 Q. It's my understanding that you are sponsering  
24 the Staff Report in this case; is that correct?



1           A.    That's correct.

2           Q.    And is that Staff Report reflected on Staff  
3 Exhibit 2?

4           A.    Yes.

5           Q.    And what was your involvement with the  
6 the Staff Report?

7           A.    As the Chief of the division I do supervise all  
8 the activities, and I do read and supervise the production  
9 of the Staff Reports.

10          Q.    And are there any additions or corrections that  
11 you would like to make to the Staff Report?

12          A.    No.

13          Q.    And what was the ultimate conclusion that  
14 the Staff made in this case reflected in the Staff Report?

15          A.    That there were very little, if no, direct  
16 impacts of this amendment on social impacts and ecological  
17 impacts. That as a matter of fact this amendment provides  
18 for an improvement for the operation and maintenance of  
19 the facility.

20               MR. O'ROURKE:  No further questions, your  
21 Honor.

22               ALJ:  Thank you, Mr. O'Rourke.  Anything from  
23 the Company?

24               MR. SCHMIDT:  One quick question.

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CROSS-EXAMINATION

By Mr. Schmidt:

Q. The Staff Report did recommend approval without condition of the amendment?

A. Yes.

MR. SCHMIDT: Okay. No further questions.

ALJ: Thank your, Mr. Lambeck. I have no questions for you.

MR. O'ROURKE: With that we would move for the admission of Staff Exhibits 1 and 2, your Honor.

ALJ: Any objection to the admission of Staff Exhibits 1 and 2?

MR. SCHMIDT: No, your Honor.

ALJ: Staff Exhibits 1 and 2 will be so admitted.

(EXHIBITS ADMITTED INTO EVIDENCE)

ALJ: Mr. Lambeck, you can step down from the stand.

THE WITNESS: Thank you, Your Honor.

ALJ: Anything further from either of the parties? Mr. Schmidt?

MR. SCHMIDT: No, your Honor.

ALJ: Mr. O'Rourke.

MR. O'ROURKE: Nothing from Staff.

1           ALJ: If there is nothing further we are  
2 adjourned. Go off the record.

3           (At 10:20 A.M. the hearing was 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 August 4, 2014, and carefully compared with my original stenographic notes.

---

Michael O. Spencer,  
Registered Professional  
Reporter.

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**This foregoing document was electronically filed with the Public Utilities**

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Summary: Transcript in the matter of American Transmission Systems, Inc. hearing held on 08/04/14 electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Spencer, Michael O. Mr.