

BEFORE THE OHIO POWER SITING BOARD

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In the Matter of the :  
Application of Oregon Clean : Case No.  
Energy, LLC for an Amendment: 14-1396-EL-BGA  
to its Certificate of :  
Environmental Compatibility :  
and Public Need. :

- - -

PROCEEDINGS

Before Nick Walstra, Administrative Law Judge,  
held at the offices of the Public Utilities  
Commission of Ohio, 180 East Broad Street,  
Hearing Room 11-D, Columbus, Ohio, on Monday,  
October 6, 2014, at 10:00 A.M.

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APPEARANCES:

Bricker & Eckler  
By Ms. Sally W. Bloomfield  
and  
Mr. Dylan F. Borchers  
100 South Third Street  
Columbus, Ohio 43215

On behalf of the Applicant.

Mr. Steven L. Beeler  
Assistant Attorney General  
180 East Broad Street, 6th Floor  
Columbus, Ohio 43215

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

Porter Wright Morris & Arthur LLP  
By Mr. Robert J. Schmidt, Jr.  
and  
Mr. Brad Hughes  
41 South High Street  
Columbus, Ohio 43215

On behalf of American Transmission  
Systems, Inc.

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1 Monday Morning,  
2 October 6, 2014.

3 - - -

4 ALJ WALSTRA: The Ohio Power Siting  
5 Board has called for hearing at this time and  
6 place Case No. 14-1396-EL-BGA being in the  
7 matter of the Application of Oregon Clean  
8 Energy, LLC for an amendment to its Certificate  
9 of Environmental Compatibility and Public Need  
10 for Electric Generating Facility in Oregon,  
11 Ohio, Lucas County.

12 My name is Nick Walstra, I am the  
13 Administrative Law Judge assigned by the Board  
14 to hear this case.

15 Before we take appearances I know we  
16 do have an outstanding motion to intervene from  
17 American Transmission System Incorporated that  
18 was filed on September 18th.

19 I don't think there has been any  
20 opposition to that. So, upon consideration I  
21 find that the motion should be granted at this  
22 time.

23 So we can go ahead with appearances  
24 on behalf of the parties. On behalf of Oregon.

25 MS. BLOOMFIELD: On behalf of

1 Oregon, your Honor, the law firm of Bricker &  
2 Eckler, Sally W. Bloomfield and Dylan F.  
3 Borchers, 100 South Third Street, Columbus, Ohio  
4 43215.

5 ALJ WALSTRA: Thank. On behalf of  
6 the Staff.

7 MR. BEELER: Thank you, your Honor.  
8 On behalf of the Staff of the Ohio Power Siting  
9 Board, Steve Beeler, the Office of Ohio Attorney  
10 General, Mike DeWine, 180 East Broad Street,  
11 Columbus, Ohio 43215.

12 ALJ WALSTRA: Thank you. On behalf  
13 of American Transmission System.

14 MR. SCHMIDT: Good morning. Thank  
15 you. Rob Schmidt and Brad Hughes, law firm of  
16 Porter Wright Morris and Arthur, 41 South High  
17 Street, Columbus, Ohio 43215 on behalf of  
18 intervenor American Transmission System  
19 Incorporated.

20 ALJ WALSTRA: Thank you. Do we have  
21 any procedural matters before we begin?

22 MS. BLOOMFIELD: Your Honor, does it  
23 make sense to mark exhibits at this point?

24 ALJ WALSTRA: We can do that at the  
25 conclusion if that is a okay. If you would

1       rather do it now we can do it now.

2                   MS. BLOOMFIELD:   Okay.   I would  
3       rather do it now.

4                   ALJ WALSTRA:   Go ahead.

5                   MS. BLOOMFIELD:   Okay.   Thank you.  
6       Your Honor, Oregon would like to mark as Exhibit  
7       1 its application.   Usually we don't actually  
8       submit those for the record, but I did bring an  
9       extra copy here in case needed.   So consider  
10      that Exhibit No. 1.

11                   ALJ WALSTRA:   So marked.

12                   MS. BLOOMFIELD:   And then Exhibit  
13      No. 2 we had two notices to withdrawal.   The  
14      first notice to withdrawal was filed on  
15      September 2, 2014.   And that pertained to  
16      withdrawing the request for additional  
17      megawatts.   We would like to have it marked as  
18      Exhibit 2.

19                   ALJ WALSTRA:   So marked.

20                   MS. BLOOMFIELD:   Then as Exhibit No.  
21      3 we had a second notice to withdrawal the  
22      request to delete or modify commitment No. 8 in  
23      the certificate that was issued in Case No.  
24      12-2959-EL-BGN.

25                   ALJ WALSTRA:   So marked.

1 MS. BLOOMFIELD: And then, Your  
2 Honor, although we were not required to do so I  
3 would like to mark as Exhibit -- as the next  
4 Exhibit 4. We went ahead and had publication  
5 made of this hearing on Friday the 29th and  
6 Saturday the 30th, I believe, in a newspaper of  
7 general circulation in this project area, which  
8 was the Toledo Blade, and I have the affidavits  
9 of publication.

10 ALJ WALSTRA: Okay. Thank you.  
11 That will be so marked as Exhibit 4.

12 MS. BLOOMFIELD: Finally the next  
13 Exhibit would be the testimony of Bill Martin  
14 which would be marked as Exhibit 5. And I will  
15 distribute copies right now.

16 ALJ WALSTRA: That is so marked.

17 (EXHIBITS HEREBY MARKED FOR  
18 IDENTIFICATION PURPOSES)

19 ALJ WALSTRA: Anything else before  
20 we get started?

21 MR. BEELER: I can mark my exhibits  
22 at this point. So Staff Exhibit 1 is just going  
23 to be the prefiled testimony of Chris  
24 Cunningham.

25 ALJ WALSTRA: So marked.



1 MR. BEELER: Staff Exhibit 2 is  
2 going to be the Staff Report of Investigation  
3 filed in this case.

4 ALJ WALSTRA: So marked.

5 (EXHIBITS MARKED FOR THE PURPOSE OF  
6 IDENTIFICATION)

7 ALJ WALSTRA: Okay. Go ahead.

8 MS. BLOOMFIELD: Thank you. Your  
9 Honor, as you saw there was a Staff Report  
10 issued in this case and the Applicant had no  
11 questions or comments or anything. So we do not  
12 have a stipulation, but we do have the prefiled  
13 testimony, and we would like to call Mr. Martin  
14 to the stand. And he will identify the  
15 testimony that was filed on October 2nd.

16 ALJ WALSTRA: Certainly. You may  
17 call your witness

18 (WITNESS SWORN)

19 - - -

20 WILLIAM J. Martin  
21 called as a witness on behalf of the Applicant,  
22 being first duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 By Ms. Bloomfield:

25 Q. Mr. Martin, will you state your

1 name and your business address, please?

2 A. It's William J. Martin. My business  
3 address is 20 Park Plaza, Suite No. 400, Boston,  
4 Massachusetts 02114.

5 Q. And what is your position with  
6 Oregon Clean Energy, LLC?

7 A. I am a principal of Oregon Clean  
8 Energy LLC.

9 Q. And did you cause your prefiled  
10 testimony, which was filed on October 2nd, 2014,  
11 and has been marked as Exhibit 5, to be prepared  
12 under your direction and supervision?

13 A. Yes.

14 Q. And if I were to ask you the same  
15 questions that are in Exhibit 5 today would your  
16 answers be the same?

17 A. Yes.

18 Q. Do you have any additions, deletions  
19 or corrections to your testimony?

20 A. I do.

21 Q. Okay.

22 A. On page 5, line No. 71, there is a  
23 typographical error. The word Veach is  
24 misspelled and should be V-e-a-t-c-h.

25 Q. Do you have any other corrections?

1           A.    I don't.

2                   MS. BLOOMFIELD:  At this point I  
3 would tender Mr. Martin for cross-examination.

4                   ALJ WALSTRA:  Thank you.  Staff.

5                   MR. BEELER:  No questions, Your  
6 Honor.

7                   ALJ WALSTRA:  Mr. Schmidt.

8                   MR. SCHMIDT:  No questions, Your  
9 Honor.

10                   ALJ WALSTRA:  Thank you.  You may  
11 step town.  Thank you.

12                   THE WITNESS:  Thank you very much.

13                   ALJ WALSTRA:  Any other witnesses?

14                   MS. BLOOMFIELD:  I have no other  
15 witnesses, Your Honor.

16                   ALJ WALSTRA:  Staff, do you have  
17 witnesses?

18                   MR. BEELER:  Yes, Your Honor.  At  
19 this time Staff of the Power Siting Board would  
20 call Mr. Christopher Cunningham.

21                               (WITNESS SWORN)

22   - - -

23                               CHRISTOPHER K. CUNNINGHAM

24                   called as a witness on behalf of the Staff of  
25                   the Ohio Power Siting Board, being first duly

1 sworn, testified as follows:

2 DIRECT EXAMINATION

3 By Mr. Beeler:

4 Q. Good morning, Mr. Cunningham.

5 Please state your name for the record.

6 A. Christopher Cunningham.

7 Q. Where do you work and what is your  
8 position?

9 A. I work for the Public Utilities  
10 Commission of Ohio and I am Public Utilities  
11 Administrator with the Department of Energy and  
12 Environment.

13 Q. Do you have in front of you what has  
14 been marked as Staff Exhibit 1, which is the  
15 prefiled testimony of Christopher K. Cunningham  
16 filed on October 2nd, 2014?

17 A. I do.

18 Q. Was this testimony prepared by you?

19 A. Yes.

20 Q. Do you have any changes to make to  
21 this testimony?

22 A. Yes. The case number is incorrect.  
23 It should be 14-1396-EL-BGA rather than BGN.

24 Q. That is on the cover page?

25 A. That's correct.

1 Q. Any other changes?

2 A. That is all.

3 Q. If I asked you the same questions  
4 today that are in your testimony would your  
5 answers be the same?

6 A. They would.

7 Q. And they are true and accurate to  
8 the best of your knowledge?

9 A. They are.

10 Q. One more clarifying question. In  
11 Mr. Martin's testimony on page 5, question 8, he  
12 makes a statement about the request of the  
13 transfer of the substation site to American  
14 Transmission System Incorporated. Do you agree  
15 with that statement?

16 A. I do.

17 MR. BEELER: No further questions,  
18 Your Honor

19 ALJ WALSTRA: Thank you. Any  
20 cross-examination?

21 MS. BLOOMFIELD: No, Your Honor.

22 MR. SCHMIDT: No, Your Honor

23 ALJ WALSTRA: Thank you. You are  
24 excused. Thank you. Do you have any further  
25 witnesses?

1 MR. BEELER: No, Your Honor. So at  
2 this time Staff would move for admission of  
3 Staff Exhibit 1 and Staff Exhibit 2.

4 ALJ WALSTRA: Are there any  
5 objections to that?

6 MR. SCHMIDT: No, Your Honor.

7 MS. BLOOMFIELD: No, Your Honor.

8 At this point Applicant would move for the  
9 admission of its Exhibits 1 through 5.

10 ALJ WALSTRA: Okay. Are there any  
11 objections to that?

12 MR. SCHMIDT: No, Your Honor.

13 ALJ WALSTRA: Those will all be  
14 admitted then.

15 (EXHIBITS HEREBY ADMITTED INTO  
16 EVIDENCE)

17 ALJ WALSTRA: Do you have any  
18 witnesses?

19 MR. SCHMIDT: We have no witness,  
20 but one I guess statement of clarification on  
21 behalf of ATSI with respect to question No. 8 in  
22 the direct testimony of Mr. Martin.

23 The request was made, and I believe  
24 Staff agreed, that upon notice to the Board that  
25 the transfer would occur without further filing

1 from either Oregon Clean Energy or ATSI.

2 The statement of clarification, for  
3 lack of a better way to put it, would be that  
4 ATSI would accept at that point the terms of  
5 the certificate and the amendment to the  
6 certificate applicable to the switchyard, and  
7 the request with that ATSI makes is that we not  
8 have to submit to the Board an additional  
9 application for the transfer of the certificate.

10 It's just a point of clarification.  
11 I think that the Board and the Staff have that  
12 idea in mind. But, ATSI wants to make sure that  
13 it's clear for your consideration that they are  
14 willing to accept the switchyard and whatever  
15 conditions are in the certificate applicable to  
16 the switchyard upon notice to the Board.

17 ALJ WALSTRA: Okay. Thank you for  
18 that. Is there anything further?

19 MS. BLOOMFIELD: No, Your Honor.

20 ALJ WALSTRA: Hearing nothing  
21 further, at this point we are adjourned. And  
22 thank you guys for your time.

23 (At 10:15 A.M. the hearing was  
24 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 October 6, 2014, and carefully compared with my original stenographic notes.

---

Michael O. Spencer,  
Registered Professional  
Reporter.

- - -



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

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**Case No(s). 14-1396-EL-BGA**

Summary: Transcript in the matter of the Oregon Clean Energy, LLC hearing held on 10/06/14 electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Spencer, Michael O. Mr.