

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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Monday Morning,
October 6, 2014.

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

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

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

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

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

MS. BLOOMFIELD: On behalf of

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

ALJ WALSTRA: Thank. On behalf of the Staff.

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

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

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

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

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

ALJ WALSTRA: We can do that at the 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. BEELEER: 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)

25

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.

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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.