

BEFORE THE OHIO POWER SITING BOARD

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In the Matter of the :
Application of NTE Ohio, :
LLC for a Certificate of : Case No.
Environmental Compatibility : 14-534-EL-BGN
and Public Need for an :
Electric Generating Facility :
in Middletown, Ohio, ;
Butler, County. :

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PROCEEDINGS

Before Scott Farkas, Administrative Law Judge,
held at the offices of the Public Utilities
Commission of Ohio, 180 East Broad Street,
Hearing Room 11-C, Columbus, Ohio, on Thursday,
November 6, 2014, at 10:00 A.M.

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- - -

1 APPEARANCES:

2 Bricker & Eckler
3 By Ms. Sally W. Bloomfield
4 and
5 Mr. Dylan F. Borchers
6 100 South Third Street
7 Columbus, Ohio 43215

8 On behalf of the Applicant.

9 Ms. Katie Johnson
10 and
11 Mr. Steven L. Beeler
12 Assistant Attorneys General
13 180 East Broad Street
14 6th Floor
15 Columbus, Ohio 43215

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

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Thursday Morning,
November 6, 2014.

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ADMINISTRATIVE LAW JUDGE FARKAS:

The Commission has called for hearing at this time and place the Matter of the Application of NTE Ohio, LLC for a Certificate of Environmental Compatibility and Public Need to Construct an Electric Generation Facility in Middletown, Ohio, Case No. 14-534-EL-BGN.

My name is Scott Farkas, I am the Administrative Law Judge that has been assigned to hear this case. At this time I will take appearances first on behalf of the Applicant.

MS. BLOOMFIELD: Your Honor, on behalf of the Applicant the law firm of Bricker & Eckler, by Sally W. Bloomfield and Dylan Borchers. The address of the firm is 100 South Third Street, Columbus, Ohio 43215.

ALJ FARKAS: Thank you.

MS. JOHNSON: Thank you, your Honor. On behalf of the Staff of the Ohio Power Siting Board, Katie Johnson and Steven Beeler, Assistant Attorney Generals with the Ohio Power Siting Board.

1 And also -- I am sorry. Our address
2 is 180 East Broad Street, 6th Floor, Columbus,
3 Ohio 43215.

4 And also Sara Bloom Anderson with
5 the Environmental Enforcement Section, at 30
6 East Broad Street, Columbus, Ohio 43215.

7 ALJ FARKAS: Okay. Go off
8 the record for a second.

9 (DISCUSSION OFF THE RECORD)

10 ALJ FARKAS: Okay. I will note for
11 the record that there are no members of the
12 public here also in the hearing room at this
13 time.

14 At this time it's my understanding
15 that the parties have filed a joint stipulation
16 in the case. Is that correct?

17 MS. BLOOMFIELD: Yes, your Honor,
18 we have. And we have premarked the stipulation,
19 it was already filed, as Joint Exhibit No. 1.

20 ALJ FARKAS: All right. And do you
21 have a witness to support the stipulation?

22 MS. BLOOMFIELD: Yes, we do. Would
23 it be convenient if I mentioned the exhibits
24 that we filed?

25 ALJ FARKAS: Absolutely.

1 MS. BLOOMFIELD: We brought and I
2 have given to Your Honor as well as to the court
3 reporter, Company Exhibit 1 would be a copy of
4 the application filed in June of 2014.

5 And then Company Exhibit 2 is the
6 proof of service of the application which was
7 filed with the Commission on July 25th, 2014.

8 Company Exhibit 3 is the first proof
9 of publication which was filed on August 12,
10 2014.

11 Company Exhibit 4 is the second
12 proof of publication which was filed on August
13 20th.

14 And then finally we do have the
15 prefiled testimony of Timothy Eves which was
16 filed on October 30th. And we would like to
17 have that marked as Company Exhibit 5.

18 ALJ FARKAS: They will be so
19 marked.

20 (EXHIBITS HEREBY MARKED FOR
21 IDENTIFICATION PURPOSES)

22 MS. BLOOMFIELD: And if it's all
23 right with you at this time, your Honor, shall I
24 call the first witness?

25 ALJ FARKAS: Yes.

1 MS. BLOOMFIELD: I would ask Mr.
2 Eves to take the stand.

3 (WITNESS SWORN)

4 - - -

5 TIMOTHY EVES

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

8 DIRECT EXAMINATION

9 By Ms. Bloomfield:

10 Q. Mr. Eves, would you state your name
11 for the record, please?

12 A. Yes. Timothy Eves.

13 Q. And would you give your business
14 address, please?

15 A. 24 Cathedral Place, Floor 3, St.
16 Augustine, Florida 32084.

17 Q. By whom are you employed?

18 A. NTE Ohio, LLC.

19 Q. And what is your position with the
20 Applicant?

21 A. Vice President.

22 Q. And do you have before you a copy of
23 your prefiled testimony?

24 A. I do.

25 Q. And is this your testimony?

1 A. Yes, it is.

2 Q. Was it prepared under your direction
3 and supervision?

4 A. Yes.

5 Q. Do you have any corrections,
6 deletions or omissions?

7 A. No.

8 Q. If I were to ask you the same
9 questions as are in your testimony would your
10 answers be the same as were given in your
11 prefiled testimony?

12 A. Exactly.

13 MS. BLOOMFIELD: Your Honor, I have
14 no more questions.

15 ALJ FARKAS: Okay. Does the Staff
16 have any questions?

17 MS. JOHNSON: No, your Honor.

18 ALJ FARKAS: Okay. You may be
19 excused. Thank you very much.

20 THE WITNESS: Thank you.

21 ALJ FARKAS: I believe that --

22 MS. BLOOMFIELD: That is it other
23 than moving Company Exhibits 1 through 5.

24 ALJ FARKAS: Any objection to the
25 admission of Company Exhibits 1 through 5?

1 MS. JOHNSON: No, your Honor.

2 ALJ FARKAS: They will be admitted.

3 (EXHIBITS ADMITTED INTO EVIDENCE)

4 ALJ FARKAS: And, Staff, do you have
5 a witness?

6 MS. JOHNSON: Yes. At this time we
7 would like to call to the stand Grant Zeto.

8 (WITNESS SWORN)

9 - - -

10 GRANT T. ZETO

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

13 DIRECT EXAMINATION

14 By Ms. Johnson:

15 Q. Would you please state your name
16 for the record?

17 A. Grant Zeto.

18 Q. And what is your business address?

19 A. 180 East Broad Street, 6th Floor,
20 Columbus, Ohio 43215.

21 Q. And by whom are you employed?

22 A. The Public Utilities Commission of
23 Ohio.

24 Q. And what is your position with the
25 Public Utilities Commission of Ohio?

1 A. Utility Specialist 1 with the Staff
2 of the Ohio Power Siting Board.

3 Q. Okay. And the Staff of the Ohio
4 Power Siting Board prepared a Staff Report in
5 this case; is that correct?

6 A. That's correct.

7 Q. And you helped in the preparation of
8 this report?

9 A. Yes.

10 MS. JOHNSON: Your Honor, I would
11 like to mark this Staff Report as Staff Exhibit
12 No. 1.

13 ALJ FARKAS: So marked.

14 (EXHIBIT HEREBY MARKED FOR
15 IDENTIFICATION PURPOSES)

16 Q. Mr. Zeto, is this the Staff Report
17 that the Staff prepared in this case?

18 A. Yes, it is.

19 Q. And do you have any changes or
20 additions to make to this report?

21 A. No, I do not.

22 Q. Okay. Mr. Zeto, you also prepared
23 testimony in this case?

24 A. Yes.

25 MS. JOHNSON: And, your Honor, I

1 would like to mark as Staff Exhibit 2 the
2 testimony of Grant Zeto.

3 ALJ FARKAS: So marked.

4 (EXHIBIT MARKED FOR THE PURPOSE OF
5 IDENTIFICATION)

6 Q. Mr. Zeto, is this the testimony
7 that you prepared in this case?

8 A. Yes, it is.

9 Q. And are there any modifications that
10 you would like to make to this testimony?

11 A. No.

12 Q. And if I asked you the questions
13 that are contained in your testimony today would
14 your answers be the same?

15 A. Yes.

16 MS. JOHNSON: Your Honor, at this
17 time Staff has no further questions for
18 the witness.

19 ALJ FARKAS: Does the Company have
20 any questions?

21 MS. BLOOMFIELD: No, Your Honor.

22 ALJ FARKAS: And you are excused.
23 Thank you.

24 MS. JOHNSON: At this time Staff
25 would like to move for the admission of Staff

1 Exhibits 1 and 2.

2 ALJ FARKAS: Any objection?

3 MS. BLOOMFIELD: No objections, your
4 Honor.

5 ALJ FARKAS: They will be admitted.

6 (EXHIBITS ADMITTED INTO
7 EVIDENCE)

8 ALJ FARKAS: Any Joint exhibits?

9 MS. BLOOMFIELD: Your Honor, we do
10 have the stipulation that was executed by both
11 the Applicant and the Staff and we premarked
12 that as Joint Exhibit 1. It was filed several
13 days ago. And at this time it may be
14 appropriate to put that in the record today as
15 well.

16 ALJ FARKAS: Thank you. I assume
17 you are in support of the admission of the Joint
18 stipulation.

19 MS. JOHNSON: Yes, Your Honor.

20 ALJ FARKAS: Okay. And it will be
21 admitted.

22 MS. BLOOMFIELD: Move for the
23 admission of Joint Exhibit 1.

24 ALJ FARKAS: Okay. And I will
25 admit that.

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(EXHIBIT ADMITTED INTO EVIDENCE)

MS. JOHNSON: Thank you.

ALJ FARKAS: Anything else to come
before us before we adjourn that you need to
raise?

MS. BLOOMFIELD: No, your Honor.

ALJ FARKAS: Then we will submit
this on the record. Thank you.

(At 10:10 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
November 6, 2014, and carefully compared with my
original stenographic notes.

Michael O. Spencer,
Registered Professional
Reporter.

- - -

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in

Case No(s). 14-0534-EL-BGN

Summary: Transcript in the matter of NTE Ohio, LLC hearing held on 11/06/14 electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Spencer, Michael O. Mr.