

BEFORE THE OHIO POWER SITING BOARD

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In the Matter of:                   :  
  :  
The Application of AEP               :  
Ohio Transmission Company       :  
for a Certificate of               :  
Environmental                    :  
Compatibility and Public       :  
Need to Construct the           :  
138kV Biers                       :  
Run-Hopetown-Delano           :  
Transmission Line Project.:

- - -

PROCEEDINGS

before Mr. Jay Agranoff, Administrative Law Judge, at  
the Public Utilities Commission of Ohio, 180 East  
Broad Street, Room 11-D, Columbus, Ohio, called at  
10:00 a.m. on Tuesday, January 6, 2015.

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APPEARANCES:

American Electric Power  
By Mr. Ajay K. Kumar  
One Riverside Plaza  
Columbus, Ohio 43215

On behalf of AEP Transmission Co.

Mike DeWine, Ohio Attorney General  
By William L. Wright, Section Chief  
Public Utilities Section  
180 East Broad Street  
Columbus, Ohio 43215-3793

On behalf of the Staff of the Public  
Utilities Commission.

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Tuesday Morning Session,  
January 6, 2015.

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THE ADMINISTRATIVE LAW JUDGE: The Ohio Power Siting Board has assigned for evidentiary hearing at this time and place Case No. 13-0429-EL-BTX, which is captioned In the Matter of The Application of AEP Ohio Transmission Company for a Certificate of Environmental Compatibility and Public Need to Construct the 138kV Biers Run-Hopetown-Delano Transmission Line Project.

My name is Jay Agranoff, and I am the Administrative Law Judge assigned by the Ohio Power Siting Board to preside over this evidentiary hearing.

At this point in time we will take the appearances. On behalf of AEP

MR. KUMAR: On behalf of AEP, Ajay Kumar along with Matthew Satterwhite, Steven Nourse, and Yazen Alami, appearing in the record. Thank you.

THE ADMINISTRATIVE LAW JUDGE: Do you want to give your address for the record, please?

MR. KUMAR: Yes, sorry. One Riverside Plaza, Columbus, Ohio 43215.

THE ADMINISTRATIVE LAW JUDGE: Thank you.

1                   And on behalf of the Ohio Power Siting  
2 Board.

3                   MR. WRIGHT: Yes. Good morning, your  
4 Honor, and thank you. On behalf of the Ohio Power  
5 Siting Board and its staff this morning, Ohio  
6 Attorney General Mike DeWine, by John Jones and  
7 William Wright, 180 East Broad Street, Columbus,  
8 Ohio, 43215.

9                   And I would also note that with me here  
10 at counsel's table this morning is the staff  
11 individual, Jon Pawley. Thank you.

12                  THE ADMINISTRATIVE LAW JUDGE: Thank you.

13                  I know that we had the public hearing in  
14 this matter on December 16 in Chillicothe, Ohio, and  
15 as I mentioned previously, today is the evidentiary  
16 portion of this proceeding.

17                  At this point in time would the parties  
18 care to update me as to where we stand relative to  
19 the evidentiary proceeding?

20                  MR. KUMAR: Of course, your Honor. As  
21 indicated in the December 23 filing, we reached a  
22 stipulation with the Ohio Power Siting Board staff,  
23 and we are prepared to move forward with supporting  
24 testimony, starting with the testimony of the  
25 prefiled testimony of Shawn Malone.

1 THE ADMINISTRATIVE LAW JUDGE: Okay.

2 Mr. Malone, if you would please come forward.

3 (Witness sworn.)

4 THE ADMINISTRATIVE LAW JUDGE: Please be  
5 seated.

6 Please proceed.

7 MR. KUMAR: Your Honor, could I also have  
8 some exhibits marked.

9 THE ADMINISTRATIVE LAW JUDGE: Certainly.  
10 It's a little out of order.

11 MR. KUMAR: AEP Ohio Transco Exhibit  
12 No. 1, which is the application filed on January 8,  
13 together with the supplements filed on May 5,  
14 July 18, and July 30 and certified as complete by the  
15 Board on August 27.

16 AEP Ohio Transco Exhibit No. 2 which is  
17 Proof of Publication filed on May 15, 2013.

18 AEP Ohio Transco Exhibit No. 3, Proof of  
19 Publication filed October 31, 2014.

20 And AEP Ohio Transco Exhibit No. 4, which  
21 is the Proof of Publication filed on December 8,  
22 2014.

23 And then AEP Ohio Transco Exhibit No. 5,  
24 which I have with me, which is the prefiled testimony  
25 of Shawn Malone.

1                   And then Joint Exhibit No. 1 which is the  
2                   Joint Stipulation and Recommendation.

3                   THE ADMINISTRATIVE LAW JUDGE: Thank you.  
4                   The aforementioned exhibits will be marked  
5                   accordingly.

6                   (EXHIBITS MARKED FOR IDENTIFICATION.)

7                   MR. WRIGHT: Your Honor, before we  
8                   proceed, would you like us to go ahead and mark  
9                   exhibits as well?

10                  THE ADMINISTRATIVE LAW JUDGE: Why not?

11                  MR. WRIGHT: I'd like to have marked as  
12                  Staff Exhibit No. 1 the Staff Report of Investigation  
13                  that was prepared and filed in this case on  
14                  December 1, 2014.

15                  And I would like to have marked as Staff  
16                  Exhibit No. 2 the Prefiled Testimony of Jon Pawley  
17                  filed on December 20, 2014.

18                  And that would conclude our exhibits. I  
19                  believe we marked the joint exhibit.

20                  MR. KUMAR: Yes.

21                  THE ADMINISTRATIVE LAW JUDGE: Correct.  
22                  Staff's exhibit shall be marked accordingly.

23                  MR. WRIGHT: Thank you.

24                  (EXHIBITS MARKED FOR IDENTIFICATION.)

25                  THE ADMINISTRATIVE LAW JUDGE: You may

1 proceed.

2 MR. KUMAR: Thank you, your Honor.

3 - - -

4 SHAWN P. MALONE

5 being first duly sworn, as prescribed by law, was  
6 examined and testified as follows:

7 DIRECT EXAMINATION

8 By Mr. Kumar:

9 Q. Would you please state your name and  
10 business address for the record?

11 A. Sure. My name is Shawn Malone, and I  
12 work at 700 Morrison Road, Gahanna. Ohio, 43230.

13 Q. Could you please tell us who you are  
14 employed by and in what capacity you are employed?

15 A. I work for AEP Ohio Transmission Company,  
16 and I'm a project manager.

17 Q. Could you please explain the relationship  
18 of your job to the project in this case?

19 A. I am going to be the project manager for  
20 the transmission line construction for the Biers  
21 Run-Hopetown-Delano line.

22 Q. Could you please identify AEP Exhibit No.  
23 5, which I have placed in front of you?

24 A. Yes. Right here, this is my prefiled  
25 testimony.



1           Q.    It was prepared by you and under your  
2 direction?

3           A.    Yes, it was.

4           Q.    Do you have any changes or corrections to  
5 your testimony?

6           A.    No, I do not.

7           Q.    Does this testimony support the  
8 settlement reached between the Power Siting Board  
9 staff and the company in this case?

10          A.    Yes, it does.

11          Q.    Could you please turn to page 15 of the  
12 stipulation attached in your testimony?

13          A.    Sure. Okay.

14          Q.    Do you see the list of exhibits there?

15          A.    I do.

16          Q.    Could you please quickly just read off  
17 those exhibits?

18          A.    Read them off? Sure. AEP Ohio Transco  
19 Exhibit No. 1, which is the application.

20          Q.    Just the first one.

21          A.    Okay. AEP Transco Exhibit 2, Proof of  
22 Publication filed on May 15, 2013.

23                    AEP Ohio Transco Exhibit No. 3, Proof of  
24 Publication filed on October 31, 2014.

25                    And then AEP Transco Exhibit No. 4 Proof

1 of Publication filed on December 8, 2014.

2 Q. And there is also a joint exhibit there?

3 A. Correct, Joint Stipulation and  
4 Recommendation.

5 Q. Could you authenticate those exhibits?

6 A. Yes.

7 Q. And the Joint Stipulation is also  
8 attached to your testimony?

9 A. Yes, it is.

10 Q. And you're supporting it as part of your  
11 testimony?

12 A. I do indeed.

13 MR. KUMAR: The witness is available to  
14 the Bench for questions.

15 THE ADMINISTRATIVE LAW JUDGE: Thank you.  
16 Any cross-examination?

17 MR. WRIGHT: None, your Honor.

18 THE ADMINISTRATIVE LAW JUDGE: Thank you.  
19 Mr. Malone, I have a few questions.

20 THE WITNESS: Okay.

21 - - -

22 EXAMINATION

23 By The Administrative Law Judge:

24 Q. Let me start first with your testimony,  
25 which has been marked as AEP Exhibit No. 5. Can you

1 just briefly explain to me whether or not there is an  
2 intended replacement of the particular substation as  
3 a result of the construction of this project?

4 A. It's not as a result of this project.  
5 There's the distribution station that's existing,  
6 Camp Sherman station. It's old. It's an antiquated  
7 station, and the Distribution Group would like to  
8 upgrade that. So that is not part of this project,  
9 not part of the certification.

10 It may be built. I mean, it should be  
11 built in the future. It wouldn't be my project,  
12 though. It could be built in the next year, five  
13 years, ten years from now, but not part of my project  
14 or certification.

15 Q. And is the substation that will be  
16 replacing the Camp Sherman distribution station the  
17 Hopetown?

18 A. Correct, it's the Hopetown station.

19 Q. But the Biers Run and Delano substation,  
20 those are regulated generation stations?

21 A. The Biers Run station is. I don't  
22 believe the Delano is. I think Delano is a  
23 distribution station. I could be wrong on that. I  
24 know Biers Run is because we have 345 coming into it  
25 and 138 coming out, so it is regulated, and we have

1 another certification for that that was prior to  
2 this. So it is under construction. Delano has been  
3 existing for several decades.

4 Q. Could you also explain in a little bit  
5 more detail the process that is going to be required  
6 for gaining federal agency approval for this project,  
7 specifically with respect to the Pleasant Valley  
8 wildlife area?

9 A. Sure. I guess it probably takes a brief  
10 history to explain it, and I know most of the details  
11 but maybe not some specifics. Originally that land  
12 was owned by the federal government as a training  
13 ground for World War II for soldiers. After the war  
14 they had excess land, which at some point in time, I  
15 don't know the exact timing, it was deeded to ODNR to  
16 manage that property. GSA still held the right to  
17 the -- the mineral rights to that land.

18 THE ADMINISTRATIVE LAW JUDGE: The  
19 acronyms you use.

20 A. ODNR is a Ohio Department of Natural  
21 Resources and GSA is the General Service  
22 Administration, federal government. The GSA still  
23 has an interest in it.

24 We met with ODNR, and ODNR said they need  
25 to do two things, but first they need a

1 certification. When the route is certified, they  
2 will have to go to the GSA and show we are not after  
3 the mineral rights. We are building a transmission  
4 line through here. And they already had discussions  
5 with them, and the GSA said it is not an issue for  
6 the GSA.

7 They also have to go to US Fish &  
8 Wildlife Services, and they have to get a  
9 certification that there are no endangered species.  
10 Consultants have done studies and there are no  
11 endangered species impacted, so we don't feel there  
12 will be any issues with that. But ODNR has to get  
13 those approvals on their behalf to grant us the right  
14 to build the line.

15 Q. Does the US Fish & Wildlife clearance  
16 letter come first and then the GSA?

17 A. I don't know. I don't know. Those are  
18 two letters, two approvals they have to get. I  
19 believe the US Fish & Wildlife Service has to come  
20 first, if memory serves me. Then go to the GSA. The  
21 GSA is the final sign-off, so, yes, they have to go  
22 to US Fish and Wildlife first.

23 Q. Okay. Then if I could call your  
24 attention to what has been marked as Joint Exhibit 1.

25 A. I need that. Okay, I have it right here.

1 Q. I know that the project has been  
2 described as being a single circuit.

3 A. Correct.

4 Q. Then I did notice that if you look at  
5 page 2 of the joint exhibit, I believe there's a  
6 discussion where it begins right at the bottom of  
7 page 2. It discusses a double circuit.

8 A. There is a portion of double circuit that  
9 will be along 104 where the line will come down. We  
10 have an existing easement for a 69 line that we're  
11 utilizing in this case. So the line will come down  
12 an existing easement that is in front of the  
13 correctional facility and the VA building. Then we  
14 need to go back along that same right-of-way. That  
15 section along 104 in front of the VA and correctional  
16 facility would be a double circuit section as opposed  
17 to a single circuit, but just that section, just that  
18 portion.

19 Q. Just that portion. Then with respect to  
20 the discussion of the common route, the common route,  
21 I assume, would be common for both the preferred  
22 route as well as the two alternatives?

23 A. That's correct.

24 Q. Then the only other question I have, if  
25 you happen to know, I'm trying to distinguish between

1 the proof of publication from October 31, 2014, and  
2 the one from December, 2014, which I believe were  
3 marked as AEP Exhibits 3 and 4.

4 A. I know we have to -- we ran the newspaper  
5 ad in December. The 31st, I'll make an assumption  
6 those were the letters that were mailed out. We  
7 would mail letters to the affected property owners.  
8 I'm assuming that's what the October 31 is. Then we  
9 did a publication in the newspaper on December 8.

10 THE ADMINISTRATIVE LAW JUDGE: Okay.

11 Thank you.

12 MR. WRIGHT: Your Honor, could I ask one  
13 clarifying question.

14 THE ADMINISTRATIVE LAW JUDGE: Sure.

15 MR. WRIGHT: This keys off of something  
16 you asked.

17 - - -

18 CROSS-EXAMINATION

19 By Mr. Wright:

20 Q. You were asked a couple questions at the  
21 outset by Examiner Agranoff about the Sherman  
22 substation, that there's a desire to upgrade that.  
23 Did you indicate that was a distribution substation?

24 A. That's correct, that is a distribution  
25 substation.

1 Q. Not subject to the board oversight?

2 A. That is correct.

3 MR. WRIGHT: I just wanted to make that  
4 clear.

5 THE ADMINISTRATIVE LAW JUDGE: Thank you.  
6 Anything else from AEP?

7 MR. KUMAR: No. I think that's it, your  
8 Honor.

9 THE ADMINISTRATIVE LAW JUDGE: Thank you,  
10 sir.

11 THE WITNESS: You're welcome.

12 THE ADMINISTRATIVE LAW JUDGE: At this  
13 point would counsel like to move for the admission?

14 MR. KUMAR: Yes, your Honor, I'd like to  
15 move for the admission of the marked exhibits and the  
16 testimony of Mr. Malone.

17 THE ADMINISTRATIVE LAW JUDGE: Any  
18 objection?

19 MR. WRIGHT: None.

20 THE ADMINISTRATIVE LAW JUDGE: There  
21 being none, the aforementioned exhibits will be  
22 admitted as part of the record at this time.

23 (EXHIBITS ADMITTED INTO EVIDENCE.)

24 MR. WRIGHT: Your Honor, we would like to  
25 move the admission of Staff Exhibit No. 1, again,



1 that being the Staff Report of Investigation, and  
2 Staff Exhibit No. 2, the testimony of Mr. Pawley, who  
3 although present is not planning to take the witness  
4 stand today.

5 Did you move the admission of the joint  
6 exhibit, the stipulation? If not, I move its  
7 admission at this time as well.

8 THE ADMINISTRATIVE LAW JUDGE: I believe  
9 we did, but to the extent it was not, it will be  
10 appropriate to rule on that again.

11 Any objection to any of the  
12 aforementioned exhibits?

13 MR. KUMAR: No, your Honor.

14 THE ADMINISTRATIVE LAW JUDGE: Okay. We  
15 are not having Mr. Pawley testify and have  
16 cross-examination of him.

17 MR. KUMAR: Yes, that's fine. We have no  
18 questions for Mr. Pawley.

19 THE ADMINISTRATIVE LAW JUDGE: There  
20 being no objection, the aforementioned exhibits will  
21 be admitted as part of the record at this time.

22 MR. WRIGHT: Thank you, your Honor.

23 (EXHIBITS ADMITTED INTO EVIDENCE.)

24 THE ADMINISTRATIVE LAW JUDGE: Anything  
25 else?

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If not, we are adjourned. Thank you.

MR. WRIGHT: Thank you.

(The hearing adjourned at 10:14 a.m.)

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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 Tuesday, January 6, 2015, and carefully compared with my original stenographic notes.

---

Rosemary Foster Anderson,  
Professional Reporter and  
Notary Public in and for  
the State of Ohio.

My commission expires April 5, 2019.

(RFA-77439)

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

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**in**

**Case No(s). 13-0429-EL-BTX**

Summary: Transcript in the matter of the AEP Ohio Transmission Company hearing held on 01/06/15 electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Anderson, Rosemary Foster Mrs.