

BEFORE THE POWER SITING BOARD OF OHIO

- - -

In the Matter of the :
Application of Hardin :
Wind LLC Regarding its :
Certificate to Construct : Case No. 14-1557-EL-BGA
a Wind-Powered Electric :
Generation Facility in :
Hardin and Logan :
Counties, Ohio. :

- - -

PROCEEDINGS

Before Scott Farkas, Administrative Law Judge, at
the Public Utilities Commission of Ohio, 180 East
Broad Street, Room 11-C, Columbus, Ohio, called at
10:00 a.m. on Tuesday, September 29, 2015.

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On behalf of the Applicant.

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On behalf of the Ohio Farm Bureau.

Taft, Stettinius & Hollister LLP
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On behalf of LHNU, James Rudolph,
and Joe Grant.

Anthony Elsasser
6051 Township Road 200
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Pro Se Intervenor.

ALSO PRESENT:

Jon Whitis, Staff;
Ed Steele, Staff;
Natalia Messenger, Staff;
Jason Dagger, Hardin Wind LLC;
Dale Arnold, Ohio Farm Bureau.

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Tuesday Morning Session,
September 29, 2015.

- - -

ADMINISTRATIVE LAW JUDGE FARKAS: The
Power Siting Board has called for hearing at this
time and place Case No. 14-1557-EL-BGA. This is in
the matter of the application of Hardin Wind LLC
regarding its certificate to construct a wind-powered
electric generation facility in Hardin and Logan
Counties, Ohio.

My name is Scott Farkas. I'm the
Administrative Law Judge assigned to hear this case.

I'll take appearances at this time,
first on behalf of the company.

MR. SETTINERI: Thank you, Your Honor.
On behalf of Hardin Wind LLC, M. Howard Petricoff,
Michael Settineri, and Scott Guttman, with the law
firm of Vorys, Sater, Seymour and Pease, 52 East Gay
Street, Columbus, Ohio 43215.

ADMINISTRATIVE LAW JUDGE FARKAS: Thank
you.

On behalf of the staff.

MR. JONES: Good morning, Your Honor.
On behalf of staff of the Ohio Power Siting Board,
Ohio Attorney General Mike DeWine, Assistant Attorney

General John Jones, 180 East Broad Street, Columbus,
Ohio 43215.

ADMINISTRATIVE LAW JUDGE FARKAS: Okay.
Thank you.

On behalf of the Farm Bureau.

MS. CURTIS: Leah Curtis, on behalf of
the Ohio Farm Bureau Federation, 280 North High
Street, Columbus, Ohio 43215.

ADMINISTRATIVE LAW JUDGE FARKAS: Thank
you. I believe the Elsassers, do you want to make an
appearance -- note your appearance?

MR. ELSASSER: Anthony Elsasser.

ADMINISTRATIVE LAW JUDGE FARKAS: And is
there anyone else here that is an intervenor party?

MR. PARRAM: Your Honor, I'm making an
appearance on behalf of some of the intervenors.

ADMINISTRATIVE LAW JUDGE FARKAS: On
behalf of who?

MR. PARRAM: On behalf of Logan-Hardin
Neighbors United, James Rudolph, and Joseph Grant,
I'm Devin Parram of the law firm of Taft, Stettinius
& Hollister, also with Mark Yurick, Mike Byers. Our
address is 65 East State Street, Suite 1000,
Columbus, Ohio 43215.

ADMINISTRATIVE LAW JUDGE FARKAS: Okay.

1 And is there anyone else that's a member of the
2 public here today?

3 (No response.)

4 ADMINISTRATIVE LAW JUDGE FARKAS: Seeing
5 none and hearing none, just note that for the record.

6 Okay. At this time, I believe the
7 parties want to have a chance to discuss the case.
8 So we'll just adjourn for 45 minutes to an hour, and
9 then we'll reconvene at that time. Thank you.

10 (Recess taken.)

11 ADMINISTRATIVE LAW JUDGE FARKAS: Let's
12 go on the record.

13 For the record, my understanding is the
14 parties have reached some agreements in this case,
15 and you'll proceed to explain them either through
16 your witness or prior to the witness taking the
17 stand.

18 MR. SETTINERI: I think now would be the
19 best time to do that, Your Honor, if I may.

20 ADMINISTRATIVE LAW JUDGE FARKAS: Okay.
21 Yes.

22 MR. SETTINERI: At this time, Hardin
23 Wind has reached a -- an agreement with all of the
24 intervenors in the case, with the exception of the
25 Ohio Farm Bureau which, my understanding, is

1 supporting the amendment application.

2 ADMINISTRATIVE LAW JUDGE FARKAS: Okay.

3 Just for the record; is that accurate?

4 MS. CURTIS: Yes. That's accurate.

5 ADMINISTRATIVE LAW JUDGE FARKAS: Okay.

6 Thank you.

7 MR. SETTINERI: And to go through the
8 settlement agreements that we have, and I won't go
9 through the terms, but just to discuss what we've
10 done is Hardin Wind has reached a settlement with
11 James Rudolph, William E. Campbell, James E. Klink,
12 K-l-i-n-k, and Logan-Hardin Neighbors United.

13 It is my understanding that Mr. Parram
14 represents Logan-Hardin Neighbors United, James
15 Rudolph, and also Joe Grant, who we've also reached a
16 settlement with in a separate agreement, and that
17 would be with Joe Grant and Deb Grant.

18 ADMINISTRATIVE LAW JUDGE FARKAS: Okay.

19 For the record, Mr. Parram --

20 MR. PARRAM: Yes. That's accurate, Your
21 Honor.

22 ADMINISTRATIVE LAW JUDGE FARKAS: --
23 your understanding?

24 Okay. Thank you.

25 MR. SETTINERI: Also earlier today we

1 have reached an agreement in principle with Anthony
2 Elsasser and Devin Elsasser as to their concerns, and
3 that will be an agreement that will be -- also be, as
4 the other agreements will be agreements that are
5 executed, outside of the record outside of this
6 proceeding.

7 ADMINISTRATIVE LAW JUDGE FARKAS: Okay.

8 MR. SETTINERI: But we will give notice
9 to the Bench today that we have reached a settlement
10 with them. And my understanding with the Elsassers
11 specifically is that they would be withdrawing their
12 testimony today and will not be participating in
13 cross-examination in this proceeding.

14 ADMINISTRATIVE LAW JUDGE FARKAS: Okay.
15 Mr. Elsasser, is that your understanding as well?

16 MR. ELSASSER: Yes, sir. That's
17 correct.

18 ADMINISTRATIVE LAW JUDGE FARKAS: Okay.
19 And as for Devin Elsasser, you are representing that
20 that is his understanding as well?

21 MR. ELSASSER: Yes, sir.

22 ADMINISTRATIVE LAW JUDGE FARKAS: Okay.
23 Thank you.

24 MR. SETTINERI: Okay. And at that time,
25 I believe we've covered all of the settlements; so

1 there is a notice in the record of those settlements.

2 ADMINISTRATIVE LAW JUDGE FARKAS: Okay.

3 MR. SETTINERI: Is there any other
4 information you would like, Your Honor?

5 ADMINISTRATIVE LAW JUDGE FARKAS: No.
6 Just so I'm clear, you're withdrawing --
7 Mr. Elsasser, you're withdrawing the testimony that
8 you filed already?

9 MR. ELSASSER: Correct.

10 ADMINISTRATIVE LAW JUDGE FARKAS: So
11 you're -- and you're not going to cross-examine any
12 witnesses?

13 MR. ELSASSER: Correct.

14 ADMINISTRATIVE LAW JUDGE FARKAS: Okay.
15 Thank you.

16 Okay. You may proceed then.

17 MR. SETTINERI: Thank you, Your Honor.

18 At this time, we'd like to call Michael
19 Speerschneider to the stand, please.

20 ADMINISTRATIVE LAW JUDGE FARKAS: And
21 just for the record, before you testify, you had
22 prefiled the testimony of Mr. Kaliski.

23 MR. SETTINERI: Yes, sir. We can
24 address that now if you'd like.

25 ADMINISTRATIVE LAW JUDGE FARKAS: Okay.

1 Just for the record, does anyone have any
2 cross-examination for Mr. Kaliski?

3 MR. PARRAM: No, Your Honor.

4 MR. JONES: No, Your Honor.

5 ADMINISTRATIVE LAW JUDGE FARKAS: The
6 staff and Mr. Elsasser, thank you. Okay.

7 MR. SETTINERI: And should we -- would
8 you like to deal with his testimony --

9 ADMINISTRATIVE LAW JUDGE FARKAS: Yes,
10 might as well.

11 MR. SETTINERI: -- at this point?

12 Okay. Well, Your Honor, based on the
13 fact that witnesses do not -- or parties don't have
14 cross-examination with Mr. Kaliski, and we also
15 confirmed with all other intervenors in this
16 proceeding that they do not, via phone calls and
17 e-mails, at this time we would like to excuse
18 Mr. Kaliski from attending today and stipulate to the
19 admission of his testimony, which I would mark as
20 Company Exhibit 5 at this time.

21 ADMINISTRATIVE LAW JUDGE FARKAS: Okay.
22 So marked.

23 (EXHIBIT MARKED FOR IDENTIFICATION.)

24 ADMINISTRATIVE LAW JUDGE FARKAS: Are
25 there any objections to the admission of that

1 exhibit?

2 MR. JONES: No, Your Honor.

3 MS. CURTIS: No, Your Honor.

4 MR. PARRAM: No, Your Honor.

5 ADMINISTRATIVE LAW JUDGE FARKAS: Thank
6 you. That will be admitted.

7 MR. SETTINERI: All right. Your Honor,
8 at this time, with that issue complete, we would call
9 Mr. Speerschneider to the stand.

10 ADMINISTRATIVE LAW JUDGE FARKAS: Okay.
11 Raise your right hand.

12 (Witness placed under oath.)

13 ADMINISTRATIVE LAW JUDGE FARKAS: You
14 may be seated. You can proceed.

15 MR. SETTINERI: Thank you, Your Honor.
16 Your Honor, at this time we would like to mark as
17 Company Exhibit 1 the prefiled direct testimony of
18 Michael Speerschneider.

19 ADMINISTRATIVE LAW JUDGE FARKAS: So
20 marked.

21 (EXHIBIT MARKED FOR IDENTIFICATION.)

22 MR. SETTINERI: And at this time, Your
23 Honor, we'd also like to mark Company Exhibit 6.

24 (EXHIBIT MARKED FOR IDENTIFICATION.)

25 MR. SETTINERI: And for the record, Your

Honor, what I've marked as Company Exhibit 6 is a red line to Mr. Speerschneider's prefiled direct testimony. The purpose of that exhibit being, given the number of revisions that we'll discuss, it serves as a good reference for the court reporter and for the Bench, as well, of the changes.

ADMINISTRATIVE LAW JUDGE FARKAS: Thank you.

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MICHAEL SPEERSCHNEIDER,
being first duly sworn, as hereinafter certified,
deposes and says as follows:

DIRECT EXAMINATION

BY MR. SETTINERI:

Q. Good afternoon, Mr. Speerschneider.

A. Hi.

Q. If you could please state your name and business address for the record.

A. My name is Michael Speerschneider, I'm at 1251 Waterfront Place, Third Floor, Pittsburgh, Pennsylvania 15222.

Q. And can you identify what's been marked as Company Exhibit 1, please?

A. This is my prefiled direct testimony.

Q. Okay. And do you have any changes to

1 that prefiled direct testimony?

2 A. I do.

3 Q. Okay. And can you identify what's been
4 marked as Company Exhibit 6, please?

5 A. This is a red line of my direct
6 testimony indicating the changes that I have at this
7 time.

8 Q. Okay. And for the record, am I correct
9 that Hardin Wind is -- one of the reasons for the
10 revisions to your testimony is that Hardin Wind is
11 dropping a certain number of turbines, correct?

12 A. That's correct.

13 Q. How many turbines is Hardin Wind
14 dropping?

15 A. We'll be dropping five turbines today.

16 Q. Okay. And could you identify what
17 turbine numbers those are?

18 A. Yes. Those would be Turbines No. 25,
19 54, 62, 129 and 198.

20 Q. And with the drop of those turbines,
21 would Hardin Wind also drop the access road leading
22 to each turbine?

23 A. Yes, we would.

24 Q. Okay. And Company Exhibit 6, does that
25 present the revisions to your testimony?

1 A. Yes, it does.

2 MR. SETTINERI: Okay. Could we go off
3 the record for a moment, please?

4 ADMINISTRATIVE LAW JUDGE FARKAS: Yes.

5 (Discussion held off the record.)

6 ADMINISTRATIVE LAW JUDGE FARKAS: Back
7 on the record.

8 BY MR. SETTINERI:

9 Q. All right. Mr. Speerschneider, for the
10 record, if you could slowly walk us through the
11 changes to your testimony. And please read slowly
12 for the court reporter.

13 A. Sure. So the first change is in my
14 response to Question 5 at the bottom of Page 2 asking
15 for the purpose of the testimony. About three lines
16 in we will strike "five wind turbines," and change
17 the number "thirteen" to "five," and then a couple
18 lines beyond that change "seven" to "six."

19 So the way it would read now is to say
20 that to describe -- my purpose is to describe the
21 proposed amendments to the Scioto Ridge certificate
22 granted on March 17, 2014, and to discuss the factors
23 behind the relocation of certain features of the wind
24 farm, a meteorological tower, five access roads, six
25 collection lines and the collector substation, as

1 well as the addition of two access roads and six new
2 collection lines.

3 Then after that sentence I would add
4 another sentence that would say, "I will also discuss
5 the deletion of five wind turbines (25, 54, 62, 129
6 and 198) which were initially proposed to be shifted
7 under the application."

8 Q. Okay. Mr. Speerschneider, and where
9 would the next revision be to your testimony?

10 A. So then in the next question, on
11 Question 6, go down the first -- second paragraph
12 beginning "The specific revisions to the certificate
13 are as follows." Just a clarification, we'd add in a
14 phrase so that it would read, "The specific revisions
15 to this certificate as initially proposed in the
16 application are as follows," and it goes through six
17 different revisions. Those are unchanged.

18 And then add at the end of that response
19 the paragraph that reads, "Since the date of filing
20 my testimony, Hardin Wind has made a decision to drop
21 turbines 25, 54, 62, 129 and 198 from the project
22 along with the access road associated with each of
23 the turbines. All collection line relocations and
24 new collection line segments remain as proposed in
25 the application with the exception of the short

1 stretches of collection line to turbines 129, 62, 54
2 and 198 that are no longer needed."

3 Then the next change would be in
4 Question 7, response there would strike the entire
5 first paragraph and replace that with a different
6 paragraph reading, "As indicated above, Hardin Wind
7 has elected to drop 5 turbines. Also, as I am
8 familiar with noise modeling of wind turbine projects
9 including the modeling for this project, the noise
10 modeling performed by and the conclusions in the
11 direct testimony of Ken Kaliski of Resource Systems,
12 Incorporated (RSG) remain valid regardless that
13 turbines are being dropped. Less turbines in the
14 project means less operational noise impacts, so if
15 anything, the noise modeling results would show less
16 impact if the modeling was performed without the five
17 dropped turbines."

18 Then in the next paragraph, the very
19 next paragraph, a couple clarifications. The first
20 sentence should read, "Hardin Wind also confirmed in
21 its application for this proceeding that the
22 relocations of the turbines will not result in
23 additional impacts from shadow flicker."

24 And then we add a sentence after that
25 sentence that I just read that says, "That conclusion

1 remains valid with the drop of the turbines."

2 In that same response toward the end, I
3 believe it's in the last -- beginning of the last
4 paragraph that begins, "The revised project layout
5 results in three less non-participating receptors..."
6 Just a clarification. We would add, and that should
7 read, "The revised project layout presented in the
8 application results in three less non-participating
9 receptors predicted to receive more than 30 hours..."
10 The rest of that sentence is the same.

11 And then in that same paragraph, the
12 next sentence remains unchanged. And then we add a
13 sentence after that sentence that says, "Moreover,
14 the dropping of the turbines will result in less
15 shadow flicker." Again, just clarifications on the
16 impact of dropping the turbines.

17 Question 8 and Response 8 are unchanged.

18 Question 9, the response -- a couple
19 changes there. And, again, first for clarification,
20 the first sentence should read, "The application as
21 presented proposed to relocate ten access roads and
22 add two new proposed segments of access road." So we
23 added a clarifying phrase in there.

24 And then also in the next sentence, a
25 clarifying phrase at the end of the sentence which

1 would say -- added to the end of the sentence which
2 would say, "...as initially proposed in Hardin Wind's
3 application."

4 So in that same response, the next
5 paragraph we would change the first sentence -- or
6 add a first sentence that would read, "With the
7 deletion of five turbines, five of the relocated
8 access roads to each turbine (25, 54, 62, 129 and
9 198) are no longer required. As to the remaining
10 access road relocations, the changes in access roads
11 were made to accommodate landowner requests...", and
12 then at that point we would strike "turbine shifts."
13 So that that sentence should read -- just for
14 clarification, that sentence that has an added phrase
15 and a struck term should read, "As to the remaining
16 access road relocations, the changes in access roads
17 were made to accommodate landowner requests, and the
18 new collector substation site."

19 The next sentence we would add another
20 clarifying word so, "The specific details on the
21 remaining relocated access roads..." So add
22 "remaining" to that sentence.

23 And then in the next sentence beginning
24 "Overall," we would add another couple clarifying
25 phrases. So that sentence would read, "Overall, the

1 changes in the access road design including the
2 deletion of the access roads for the dropped turbines
3 will reduce the total linear feet of total access
4 roads for the project and all relocated new access
5 roads remain on lands leased by Hardin Wind." So,
6 again, just a couple of phrases there for
7 clarification.

8 Then in Question 6 --

9 ADMINISTRATIVE LAW JUDGE FARKAS: Question
10 6?

11 THE WITNESS: Sorry, Question 10, we
12 would add a sentence to the beginning of the response
13 that would read, "With the deletion of turbine 129,
14 two of the Elsassers' three concerns have been
15 eliminated."

16 Then the next sentence, there are a
17 couple of small changes. I will just read the entire
18 sentence just to -- for clarification. "The
19 Elsassers raised concerns in their motion to
20 intervene regarding the use of pesticides on a nearby
21 access road going to turbine 129, the removal of
22 fencing between the farm property and the access road
23 property and impacts on existing drainage."

24 So then the following sentence --
25 following sentence would be struck. The following

one, two -- the following two sentences would be struck from the testimony.

And the sentence beginning -- it says, "This avoids the Elsassers' concerns about any drift from chemical sprays...", that sentence has been revised to read, "The deletion of turbine 129 means that there will be no access road on the property (although an underground collection line will remain as proposed in the application) and eliminates the Elsassers' concerns about any drift from chemical sprays onto their farm and field." Then add a sentence that reads, "The turbine deletion also eliminates any concerns that the access road will lead to damage to the new drainage tile referenced in the Elsassers' petition to intervene."

Then one clarification in the very next sentence, begins, "While the installation of access roads...", we would strike "access roads" and insert "the substation." So that first part of that sentence would read, "While the installation of the substation and collection lines will require ground disturbance," et cetera, the rest of that sentence is the same.

So the next revision would be in Question 12. The answer to Question 12, the first

1 sentence would remain the same, although we would add
2 to the end of that a phrase. I'll read the entire
3 sentence. It says, "The details on each collection
4 line change are listed at pages 14 to 15 of the
5 application, and none of the collection lines are
6 changing today as a result of the dropping of the
7 five turbines with the exception of the short
8 segments of collection line connecting to turbines
9 129, 62, 54 and 198."

10 So then we would add another section --
11 another couple of sentences on that first paragraph
12 of Answer 12. So before the last sentence, so
13 immediately before the sentence beginning with
14 "Importantly," we would add the following, which is,
15 "Note, although the Staff report states that seven
16 new collection line segments are being added, Hardin
17 Wind confirmed with Staff that the difference in
18 count between the application (6 new collection line
19 segments) and the Staff report (7 new collection line
20 segments) is simply a result of Staff of counting one
21 section of collection line as two segments, so there
22 is no change in the collection line design proposed
23 in the application to what Staff has recommended
24 approval of in its Staff report."

25 So the next change would be on Question

15. So the answer there previously read simply,
 "Yes." We would add a phrase on there, so it would
 now read, "Yes, as supplemented by the December 12,
 2014 Notice Regarding Minor Shift in Proposed
 Location of Collector Substation and my testimony
 today regarding the decision to drop wind turbines
 25, 54, 62, 129 and 198."

The final change on Question 18, the
 answer, again, we would add a phrase at the end of
 that. I'll read it in its entirety, "I recommend the
 Ohio Power Siting Board approve Hardin Wind's
 application as presented including the relocation of
 the project substation described in the December 12,
 2014 Notice Regarding Minor Shift in Proposed
 Location of Collector Substation."

That's it.

ADMINISTRATIVE LAW JUDGE FARKAS: Okay.

MR. SETTINERI: Your Honor, if we can
 just go off the record for one minute, please.

ADMINISTRATIVE LAW JUDGE FARKAS: Yes.

MR. SETTINERI: Thank you.

(Discussion held off the record.)

ADMINISTRATIVE LAW JUDGE FARKAS: Back
 on the record.

MR. SETTINERI: All right. At this

1 time, Your Honor, I would also like to mark some
2 additional exhibits.

3 BY MR. SETTINERI:

4 Q. But before I do that, Mr. Speerschneider,
5 do you have any other revisions to your testimony?

6 A. Not at the time.

7 Q. Okay. And if I were to ask you the
8 questions in your testimony as revised today, would
9 your answers be the same?

10 A. Yes, they would.

11 MR. SETTINERI: At this time, Your
12 Honor, for the record we want to mark Company Exhibit
13 2. We'll also mark Company Exhibit 3. We'd also
14 like to mark Company Exhibit 4.

15 For the record, Your Honor, Company
16 Exhibit 2 is the application by Hardin Wind in this
17 proceeding; Company Exhibit 3 is a Notice Regarding
18 Minor Shift in Proposed Location of Collector
19 Substation; and Company Exhibit 4 is a proof of
20 publication.

21 ADMINISTRATIVE LAW JUDGE FARKAS: So
22 marked.

23 (EXHIBITS MARKED FOR IDENTIFICATION.)

24 BY MR. SETTINERI:

25 Q. Mr. Speerschneider, do you have before

1 you what's been marked as Company Exhibit 2?

2 A. I do.

3 Q. Can you identify that for the record,
4 please?

5 A. That is the Scioto Ridge Wind Farms'
6 Application to Amend the Hardin Wind LLC Certificate.

7 Q. And do you have before you what's been
8 marked as Company Exhibit 3?

9 A. I do.

10 Q. And can you identify that for the
11 record, please?

12 A. It is a Notice Regarding Minor Shift in
13 Proposed Location of Collector Substation.

14 Q. And do you have before you what's been
15 identified as Company Exhibit 4?

16 A. I do.

17 Q. And can you identify that for the
18 record, please?

19 A. That is proof of publication.

20 MR. SETTINERI: Okay. At this time,
21 Your Honor, we would offer Mr. Speerschneider up for
22 cross-examination.

23 ADMINISTRATIVE LAW JUDGE FARKAS: Okay.
24 Is there -- does staff have any questions?

25 MR. JONES: No questions, Your Honor.

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ADMINISTRATIVE LAW JUDGE FARKAS: Farm
Bureau?

MS. CURTIS: No questions, Your Honor.

ADMINISTRATIVE LAW JUDGE FARKAS: And I
believe Mr. Elsasser has already indicated he has no
questions.

Mr. Parram, do you have any questions?

MR. PARRAM: No questions, Your Honor.

ADMINISTRATIVE LAW JUDGE FARKAS: Okay.
I have no questions for him.

MR. SETTINERI: Okay. At this time
then, Your Honor, just we would like to move for the
admission of Company Exhibit 1, the direct testimony
of Michael Speerschneider; we would move for
admission of Company Exhibit 2, the application to
amend; we would move for the admission of Company
Exhibit 3, the Notice Regarding Minor Shift in
Proposed Location of Collector Substation; company --
we would move for admission of Company Exhibit 4,
proof of publication.

And at this time I have to ask the
question: Did we admit Company Exhibit 5?

ADMINISTRATIVE LAW JUDGE FARKAS: Company 5
was.

MR. SETTINERI: Was admitted?

1 ADMINISTRATIVE LAW JUDGE FARKAS: Yes.

2 MR. SETTINERI: Thank you, Your Honor.

3 So at this time we would also like to move for the
4 admission of Company Exhibit 6, which is the red line
5 to Mr. Speerschneider's direct testimony that he went
6 through on the record here today.

7 ADMINISTRATIVE LAW JUDGE FARKAS: Any
8 objection to the admission of Company Exhibits 1, 2,
9 3, 4, and 6?

10 MR. JONES: No objection.

11 MS. CURTIS: No objection.

12 ADMINISTRATIVE LAW JUDGE FARKAS: No
13 objection. So those will be admitted.

14 MR. SETTINERI: All right.

15 ADMINISTRATIVE LAW JUDGE FARKAS: Okay.

16 MR. SETTINERI: At this time we will
17 rest our case, Your Honor.

18 ADMINISTRATIVE LAW JUDGE FARKAS: Okay.
19 Thank you.

20 THE WITNESS: Thank you.

21 ADMINISTRATIVE LAW JUDGE FARKAS: I
22 believe staff has a witness.

23 MR. JONES: Your Honor, staff has two
24 exhibits I'd like to have marked in this case; the
25 Staff Report of Investigation that was filed in this

1 docket on September 4th, 2015, as Staff Exhibit 1,
2 and the prefiled testimony of Jon Whitis marked as
3 Staff Exhibit 2.

4 (EXHIBITS MARKED FOR IDENTIFICATION.)

5 MR. JONES: Your Honor, if there's no
6 cross-examination being done of Mr. Whitis, I would
7 like to go -- proceed to move for the admission of
8 those exhibits, unless someone has cross-examination
9 of Mr. Whitis.

10 ADMINISTRATIVE LAW JUDGE FARKAS: Does
11 anyone have any cross-examination of Mr. Whitis?

12 MR. PARRAM: I have no cross, Your
13 Honor.

14 MS. CURTIS: No cross-examine.

15 ADMINISTRATIVE LAW JUDGE FARKAS: Company?

16 MR. SETTINERI: No, sir.

17 ADMINISTRATIVE LAW JUDGE FARKAS: And
18 Mr. Elsasser?

19 MR. ELSASSER: No.

20 ADMINISTRATIVE LAW JUDGE FARKAS: Okay.

21 MR. JONES: Your Honor, then I would ask
22 to move for the admission of Staff Exhibits 1 and 2.

23 ADMINISTRATIVE LAW JUDGE FARKAS: Any
24 objection to the admission of Staff Exhibits 1 and 2?

25 MS. CURTIS: No objection.

1 MR. PARRAM: No objection.

2 ADMINISTRATIVE LAW JUDGE FARKAS: Then
3 it will be admitted.

4 MR. JONES: Thank you, Your Honor.

5 ADMINISTRATIVE LAW JUDGE FARKAS: Okay.
6 Is there anything further?

7 MR. SETTINERI: Not from the company's
8 perspective, Your Honor. I think we're complete at
9 this time.

10 ADMINISTRATIVE LAW JUDGE FARKAS: From
11 staff?

12 MR. JONES: Nothing from staff, Your
13 Honor.

14 ADMINISTRATIVE LAW JUDGE FARKAS: From
15 the Farm Bureau?

16 MS. CURTIS: Nothing from Farm Bureau.

17 MR. PARRAM: Noting, Your Honor.

18 ADMINISTRATIVE LAW JUDGE FARKAS: Nothing
19 from Mr. Elsasser, okay.

20 All right. I think we're finished then.
21 Thank you.

22 MR. SETTINERI: Thank you.

23 MR. JONES: Thank you, Your Honor.

24 (Thereupon, the hearing was
25 concluded at 1:05 p.m.)

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, September 29,
2015, and carefully compared with my original
stenographic notes.

Carolyn D. Ross, Registered
Professional Reporter and
Notary Public in and for
the State of Ohio.

My commission expires April 3, 2019.
(CDR-79419)

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in

Case No(s). 14-1557-EL-BGA

Summary: Transcript in the matter of the Hardin Wind, LLC hearing held on 09/29/15 electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Ross, Carolyn D.