

BEFORE THE OHIO POWER SITING BOARD

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In the Matter of the :
Application of Paulding Wind :
Farm III, LLC for a :
Certificate of Environmental : Case No.
Compatibility and Public : 15-1737-EL-BTX
Need for the Timber Road III :
Transmission Line. :
- - -

PROCEEDINGS

before Scott E. Farkas and Daniel E. Fullin,
Administrative Law Judges, at the Ohio Power Siting
Board, 180 East Broad Street, Room 11D, Columbus,
Ohio, called at 10:00 a.m. on Thursday, April 28,
2016.

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On behalf of the Applicant, Paulding
Wind Farm III, LLC.

Michael DeWine, Ohio Attorney General
By Mr. John H. Jones, Esq.
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On behalf of the Staff of the PUCO.

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On behalf of the Ohio Farm Bureau
Federation.

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Thursday Morning Session,
April 28, 2016.

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ADMINISTRATIVE LAW JUDGE FARKAS: Let's
go on the record. The Ohio Power Siting Board has
called for hearing at this time and place In the
Matter of the Application of Paulding Wind Farm III
for a Certificate of Environment Compatibility and
Public Need for the Timber Road III Transmission Line
in Paulding County, Case No. 15-1737-EL-BTX.

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

At this time I'll take appearances,
first on behalf of the Applicant.

MR. SETTINERI: Thank you, your Honor.
On behalf of Paulding Wind Farm III, LLC, Michael
Settineri, Stephen M. Howard, Ryan Elliott, with the
law firm of Vorys, Sater, Seymour and Pease, 52 East
Gay Street, Columbus, Ohio.

ADMINISTRATIVE LAW JUDGE FARKAS: Okay.
And Staff.

MR. JONES: Good morning, your Honors.
On behalf of the Staff of the Ohio Power Siting
Board, Ohio Attorney General Mike DeWine, Assistant
Attorney General John Jones, 180 East Broad Street,

1 Columbus, Ohio 43215.

2 ADMINISTRATIVE LAW JUDGE FARKAS: And on
3 behalf of the Ohio Farm Bureau Federation.

4 MS. MILAM: Amy Milam on behalf of the
5 Ohio Farm Bureau Federation, at 280 North High
6 Street, Columbus, Ohio.

7 ADMINISTRATIVE LAW JUDGE FARKAS: Thank
8 you.

9 I will note for the record there are no
10 members of the public here in the hearing room at
11 this time.

12 My understanding is the parties have
13 reached a stipulation in this case. Is that correct?

14 MR. SETTINERI: Yes, it is, your Honor,
15 and the Company witness, Erin Bowser, will be
16 sponsoring the stipulation. It will be marked as an
17 exhibit.

18 ADMINISTRATIVE LAW JUDGE FARKAS: Okay.
19 You may proceed.

20 MR. SETTINERI: Your Honor, first we
21 have one procedural matter. The parties are in
22 agreement as to stipulating to the admission of
23 Company Exhibit 7 in this proceeding. I would like
24 to mark that as the Direct Testimony of Benjamin
25 Brazell.

ADMINISTRATIVE LAW JUDGE FARKAS: So marked.

(EXHIBIT MARKED FOR IDENTIFICATION.)

MR. SETTINERI: The witness is an out-of-state witness, and because of that and the fact that the parties do not have cross-examination for Mr. Brazell, the parties have stipulated to the admission of this exhibit into the record.

We would also at this time like to stipulate and move into the record, subject to the parties' agreement -- there was one omission from Mr. Brazell's testimony, which was his resume', and we've attached that to the back of Company Exhibit 7, and assuming that the parties are in agreement as well, we would like to stipulate to that addendum to his testimony.

ADMINISTRATIVE LAW JUDGE FARKAS: Okay. Do the parties stipulate to that?

MR. JONES: Yes, your Honor, on behalf of Staff.

MS. MILAM: Yes, your Honor.

ADMINISTRATIVE LAW JUDGE FARKAS: All right.

MR. SETTINERI: And so at this time, your Honor, we would move for the admission of

1 Company Exhibit 7 in this proceeding, the Direct
2 Testimony of Benjamin Brazell, with his resume' as
3 stipulated to by the parties.

4 ADMINISTRATIVE LAW JUDGE FARKAS: Any
5 objection?

6 MR. JONES: No objection, your Honor.

7 MS. MILAM: No objection, your Honor.

8 ADMINISTRATIVE LAW JUDGE FARKAS: Then
9 it will be admitted.

10 MR. SETTINERI: Thank you, your Honor.

11 (EXHIBIT ADMITTED INTO EVIDENCE.)

12 MR. SETTINERI: At this time, your
13 Honor, I would like to call Erin Bowser to the stand.

14 ADMINISTRATIVE LAW JUDGE FARKAS: Okay.
15 Raise your right hand.

16 (Ms. Bowser was sworn.)

17 ADMINISTRATIVE LAW JUDGE FARKAS: You
18 may be seated.

19 You may proceed.

20 MR. SETTINERI: Thank you, your Honor.
21 At this time we would like to mark a number of
22 exhibits. We would like to start first with Company
23 Exhibit 5, which is the Direct Testimony of Erin
24 Bowser.

25 ADMINISTRATIVE LAW JUDGE FARKAS: Five?

1 MR. SETTINERI: Yes, sir.

2 ADMINISTRATIVE LAW JUDGE FARKAS: Okay.

3 So marked.

4 MR. SETTINERI: A little out of order
5 here.

6 ADMINISTRATIVE LAW JUDGE FARKAS: That's
7 okay.

8 (EXHIBIT MARKED FOR IDENTIFICATION.)

9 MR. SETTINERI: But now I'm going to go
10 back to Company Exhibit 1, which is the Supplement to
11 the Application submitted February 2016. That is
12 Company Exhibit 1.

13 ADMINISTRATIVE LAW JUDGE FARKAS: So
14 marked.

15 (EXHIBIT MARKED FOR IDENTIFICATION.)

16 MR. SETTINERI: We would also mark as
17 Company Exhibit 2, the March 29th, 2016, filing,
18 which is a withdrawal of the POI switchyard portion
19 of the application.

20 ADMINISTRATIVE LAW JUDGE FARKAS: So
21 marked.

22 (EXHIBIT MARKED FOR IDENTIFICATION.)

23 MR. SETTINERI: We would like to mark as
24 Company Exhibit 3 Proof of Publication dated March
25 22nd, 2016, of notice of the application.

ADMINISTRATIVE LAW JUDGE FARKAS: So
marked.

(EXHIBIT MARKED FOR IDENTIFICATION.)

MR. SETTINERI: We would like to mark as
Company Exhibit 4, a Proof of Publication dated April
13th, 2016, the second notice of application -- of
the application.

ADMINISTRATIVE LAW JUDGE FARKAS: So
marked.

(EXHIBIT MARKED FOR IDENTIFICATION.)

MR. SETTINERI: We would also mark as
Company Exhibit 6 the application in this proceeding
that was originally filed in December of 2015.

ADMINISTRATIVE LAW JUDGE FARKAS: So
marked.

(EXHIBIT MARKED FOR IDENTIFICATION.)

MR. SETTINERI: And last, we would like
to mark as Joint Exhibit 1 the Joint Stipulation and
Recommendation that was filed in this proceeding on
April 26th.

ADMINISTRATIVE LAW JUDGE FARKAS: So
marked.

(EXHIBIT MARKED FOR IDENTIFICATION.)

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1 ERIN BOWSER,
2 being first duly sworn, as prescribed by law, was
3 examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MR. SETTINERI:

6 Q. Good morning, Miss Bowser.

7 A. Good morning.

8 Q. Do you have before you what's been
9 marked as Company Exhibit 5?

10 A. Yes, sir, my direct testimony.

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

13 A. Yes. The direct testimony of myself,
14 Erin Bowser, address 155 East Market Street,
15 Indianapolis, Indiana.

16 Q. And you have also in front of you what's
17 been marked as Company Exhibit 6?

18 A. Yes.

19 Q. And can you identify that for the
20 record?

21 A. Yep. It's our original application for
22 this transmission line.

23 Q. And in your testimony you reference the
24 application; correct?

25 A. Yes, sir.

1 Q. And those references relate to Company
2 Exhibit 6; correct?

3 A. Yes, sir.

4 Q. Now, in your testimony you also
5 reference other exhibits; correct?

6 A. Uh-huh.

7 Q. And those exhibits would be Company
8 Exhibit 1?

9 A. Yes.

10 Q. As well as Company Exhibits 2, 3, 4, and
11 Joint Exhibit 1; correct?

12 A. Yes.

13 Q. And just so we have it on the record, I
14 know you mentioned it earlier, but could you please
15 state your name and business address for the record.

16 A. Sure. Erin Bowser, address is 155 East
17 Market Street, Indianapolis, Indiana.

18 Q. Now, do you have any changes to your
19 direct testimony today?

20 A. No, sir.

21 Q. All right. If I asked you the questions
22 in your testimony today, would your answers be the
23 same?

24 A. Yes.

25 Q. Okay. Thank you.

1 Your Honor, at this time we would make
2 the witness available for cross-examination.

3 ADMINISTRATIVE LAW JUDGE FARKAS: Does
4 Staff have any questions?

5 MR. JONES: No questions, your Honor.

6 ADMINISTRATIVE LAW JUDGE FARKAS: Farm
7 Bureau, any questions?

8 MS. MILAM: No questions, your Honor.

9 ADMINISTRATIVE LAW JUDGE FARKAS: The
10 Bench has no questions.

11 MR. SETTINERI: Thank you. Your Honor,
12 at this time we would go ahead and we would move our
13 exhibits into evidence, and I will walk through the
14 list at this time.

15 ADMINISTRATIVE LAW JUDGE FARKAS: Okay.
16 The witness may be excused.

17 (Witness excused.)

18 MR. SETTINERI: So at this time, your
19 Honor, we would move for the admission of Company
20 Exhibit 5, the Direct Testimony of Erin Bowser. We
21 would move for the admission of Company Exhibit 1,
22 the Supplement submitted February 2016. We would
23 move for the admission of Company Exhibit 2, the
24 March 29th, 2016, withdrawal notice; Company Exhibit
25 3, Proof of Publication dated March 22nd, 2016;

1 Company Exhibit 4, the April 13th Proof of
2 Publication; and Joint Exhibit 1, the Joint
3 Stipulation and Recommendation, as well as Company
4 Exhibit 6, the original application.

5 ADMINISTRATIVE LAW JUDGE FARKAS: All
6 right. Is there any objection to the admission of
7 the Company's Exhibits 1, 2, 3, 4, 5, and 6 and Joint
8 Exhibit 1?

9 MS. MILAM: No objection.

10 MR. JONES: No objection, your Honor.

11 ADMINISTRATIVE LAW JUDGE FARKAS: Then
12 they will be admitted.

13 (EXHIBITS ADMITTED INTO EVIDENCE.)

14 MR. SETTINERI: Thank you, your Honor.
15 At this time we would rest our case.

16 ADMINISTRATIVE LAW JUDGE FARKAS: Okay.
17 The Farm Bureau has no witnesses; is that correct?

18 MS. MILAM: That's correct, your Honor.

19 ADMINISTRATIVE LAW JUDGE FARKAS: Staff.

20 MR. JONES: Yes, your Honor. It's my
21 understanding that the parties have agreed to waive
22 any cross-examination of Staff witness Jon Pawley,
23 his amended testimony in this proceeding, and any
24 questions on the Staff Report of Investigation. I
25 would ask the Court to mark as Exhibit 1, the Staff

Report of Investigation that was filed in this docket on April 4th, 2016, and also Staff Exhibit 2, the Amended Prefiled Testimony of Jon Pawley that was filed in this docket on April 26th as Staff Exhibit No. 2, and without there being anything further, I'd move for the admission of Staff Exhibits 1 and 2 into the record.

ADMINISTRATIVE LAW JUDGE FARKAS: Okay. Mr. Settineri, that's your understanding as well?

MR. SETTINERI: Yes, we agree, your Honor.

ADMINISTRATIVE LAW JUDGE FARKAS: Farm Bureau?

MS. MILAM: Yes, your Honor.

ADMINISTRATIVE LAW JUDGE FARKAS: Then those, Staff Exhibits 1 and 2, will be admitted.

(EXHIBITS ADMITTED INTO EVIDENCE.)

ADMINISTRATIVE LAW JUDGE FARKAS: Okay. Is there anything further from the Applicant?

MR. SETTINERI: No, your Honor, unless there are any questions from the Bench.

ADMINISTRATIVE LAW JUDGE FARKAS: The Proof of Publication, that's already been docketed; correct?

MR. SETTINERI: Yes.

1 ADMINISTRATIVE LAW JUDGE FARKAS: All
2 right.

3 Does Staff have anything further?

4 MR. JONES: Nothing further, your Honor.

5 ADMINISTRATIVE LAW JUDGE FARKAS: Farm
6 Bureau?

7 MS. MILAM: Nothing further, your Honor.

8 ADMINISTRATIVE LAW JUDGE FARKAS: There
9 being nothing further on the record, we are
10 adjourned. Thank you.

11 MR. SETTINERI: Thank you.

12 (Thereupon, the hearing was concluded at
13 10:13 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 Thursday, April 28,
2016, and carefully compared with my original
stenographic notes.

Valerie J. Sloas, Registered
Professional Reporter and
Notary Public in and for
the State of Ohio.

My commission expires June 8, 2016.
(VJS-80825)

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in

Case No(s). 15-1737-EL-BTX

Summary: Transcript In the Matter of the Application of Paulding Wind Farm III, LLC for a Certificate of Environmental Compatibility and Public Need for the Timber Road III Transmission Line, hearing held on April 28, 2016. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Sloas, Valerie J. Mrs.