

BEFORE THE OHIO POWER SITING BOARD

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In the Matter of the	:	
Applications of Paulding Wind	:	
Farm, LLC and Paulding Wind	:	
Farm III, LLC for Amendments	:	
to Their Certificates to	:	Case Nos.
Install and Operate	:	15-2030-EL-BGA
Wind-Powered Electric	:	15-2031-EL-BGA
Generation Facilities in	:	
Paulding County, Ohio.	:	

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PROCEEDINGS

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

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On behalf of the Applicants, Paulding  
Wind Farm, LLC and Paulding Wind  
Farm III, LLC.

Michael DeWine, Ohio Attorney General  
By Mr. Thomas G. Lindgren, Esq.  
Assistant Attorney General  
180 East Broad Street, 6th Floor  
Columbus, Ohio 43215

On behalf of the Staff of the PUCO.

Ohio Farm Bureau  
By Ms. Amy Milam, Esq.  
280 North High Street, 6th Floor  
Columbus, Ohio 43215

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 FULLIN: I'll go on the record here and announce that the Board, the Ohio Power Siting Board has scheduled a hearing for this time and place in two consolidated cases, Case No. 15-2030-EL-BGA and Case No. 15-2031-EL-BGA, that have a consolidated caption, which would be In the Matter of the Applications of Paulding Wind Farm and Paulding Wind Farm III, LLC, for Amendments to Their Certificate to Install and Operate a Wind-Powered Electric Generation Facility in -- or Facilities in Paulding County, Ohio.

My name is Daniel E. Fullin, and I'm the Administrative Law Judge that's assigned to the case, and I am calling this case.

I'll begin with the entrance of appearances by the parties, beginning with the Applicant.

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

1 Columbus, Ohio.

2 ADMINISTRATIVE LAW JUDGE FULLIN: Thank  
3 you.

4 And may I have the appearance on behalf  
5 of Staff.

6 MR. LINDGREN: On behalf of the Power  
7 Siting Board Staff, Ohio Attorney General Mike  
8 DeWine, by Thomas G. Lindgren, Assistant Attorney  
9 General, 180 East Broad Street, 6th Floor, Columbus,  
10 Ohio 43215.

11 ADMINISTRATIVE LAW JUDGE FULLIN: Thank  
12 you.

13 And the appearance by the Farm Bureau.

14 MS. MILAM: Amy Milam on behalf of the  
15 Ohio Farm Bureau Federation, at 280 North High  
16 Street, Columbus, Ohio.

17 ADMINISTRATIVE LAW JUDGE FULLIN: Thank  
18 you.

19 Are there any other appearances? I see  
20 there doesn't appear to be any more.

21 Is there any member of the public that's  
22 here that wishes to participate as a participant at  
23 the hearing?

24 (No response.)

25 ADMINISTRATIVE LAW JUDGE FULLIN: I see

1 that there's no member of the public here that seems  
2 to be interested in testifying and otherwise  
3 participating directly in the hearing.

4 So I think that -- I think that the next  
5 step would be for the Applicant to call their first  
6 witness.

7 MR. SETTINERI: Yes, your Honor, and if  
8 we may, a procedural matter. We have an out-of-state  
9 witness, Benjamin Brazell, and the parties -- it's my  
10 understanding that the other parties in the case are  
11 agreeable and will stipulate to the admission of Mr.  
12 Brazell's testimony in this proceeding, which at this  
13 time I would like to mark as Company Exhibit 5.

14 ADMINISTRATIVE LAW JUDGE FULLIN: Okay.  
15 That will be so marked.

16 (EXHIBIT MARKED FOR IDENTIFICATION.)

17 MR. SETTINERI: In addition, as part of  
18 that exhibit we have attached Mr. Brazell's resume',  
19 which was inadvertently not included with the  
20 original filing, and it's my understanding that the  
21 parties have also agreed to stipulate to include that  
22 as part of Exhibit 5, and as through that  
23 stipulation, the parties are agreeable to submitting  
24 his testimony into the record without  
25 cross-examination, subject to the Bench's agreement.

1 With that said, at this time I would  
2 move for the admission of Company Exhibit 5, subject  
3 to the parties' agreement and the Bench's agreement.

4 ADMINISTRATIVE LAW JUDGE FULLIN: So I  
5 would get the acknowledgement from counsel for the  
6 parties that they have agreed to this, and I will  
7 admit the exhibit at this time and do not have any  
8 cross-examination from the Bench of this witness  
9 either, so the exhibit will be admitted into  
10 evidence. Thank you.

11 MR. SETTINERI: Thank you, your Honor.

12 (EXHIBIT ADMITTED INTO EVIDENCE.)

13 MR. SETTINERI: At this time we would  
14 like to call Erin Bowser to the stand.

15 (Ms. Bowser was sworn.)

16 ADMINISTRATIVE LAW JUDGE FULLIN: Thank  
17 you.

18 MR. SETTINERI: Your Honor, at this time  
19 we would like to mark a number of exhibits.

20 ADMINISTRATIVE LAW JUDGE FULLIN: Okay.

21 MR. SETTINERI: We'll start with Company  
22 Exhibit 1, January 19th Rescission of Request for  
23 Authorization to Conduct Limited Tree Clearing.

24 ADMINISTRATIVE LAW JUDGE FULLIN: What  
25 was it?

1 MR. SETTINERI: Company Exhibit 1. It's  
2 a withdrawal of the request for authorization to  
3 conduct tree clearing in the application.

4 ADMINISTRATIVE LAW JUDGE FULLIN: Okay.  
5 Thank you.

6 (EXHIBIT MARKED FOR IDENTIFICATION.)

7 MR. SETTINERI: Company Exhibit 2 is a  
8 February 17th, 2016, Supplemental Information to the  
9 Application.

10 ADMINISTRATIVE LAW JUDGE FULLIN: Thank  
11 you. That will be marked as Company Exhibit 2.

12 (EXHIBIT MARKED FOR IDENTIFICATION.)

13 MR. SETTINERI: We would like to mark as  
14 Company Exhibit 3, a January 8th, 2016, copy of an  
15 affidavit and tear sheet.

16 ADMINISTRATIVE LAW JUDGE FULLIN: That  
17 will be marked as Company Exhibit 3.

18 (EXHIBIT MARKED FOR IDENTIFICATION.)

19 MR. SETTINERI: We would like to mark as  
20 Company Exhibit 4 the Direct Prefiled Testimony of  
21 Erin Bowser.

22 ADMINISTRATIVE LAW JUDGE FULLIN: That  
23 will be so marked.

24 (EXHIBIT MARKED FOR IDENTIFICATION.)

25 MR. SETTINERI: And we would like to



mark as Company Exhibit 6 the Applications to Amend the Timber Road Phase II Wind Farm Certificate Granted November 18, 2010, in Case No. 10-369-EL-BGN as Amended in Case No. 10-3128-EL-BGA and the Timber Road I Wind Farm Certificate Granted August 23rd, 2010, in Case No. 09-980-EL-BGN.

ADMINISTRATIVE LAW JUDGE FULLIN: It will be so marked.

(EXHIBIT MARKED FOR IDENTIFICATION.)

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

ADMINISTRATIVE LAW JUDGE FULLIN: That will be marked as Joint Exhibit 1. And it was docketed?

MR. SETTINERI: Yes, it was, your Honor.

ADMINISTRATIVE LAW JUDGE FULLIN: Okay.

(EXHIBIT MARKED FOR IDENTIFICATION.)

- - -

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

DIRECT EXAMINATION

BY MR. SETTINERI:

Q. Good morning, Miss Bowser.

A. Good morning.

Q. Do you have in front of you what's been marked as Company Exhibit 4 and Company Exhibit 6?

A. Yes, I do.

Q. All right. And for the record, let's start first, though, if you could please state your name and business address for the record.

A. Erin Bowser, 155 East Market Street, Indianapolis, Indiana.

MR. SETTINERI: Can we go off the record for just a minute?

ADMINISTRATIVE LAW JUDGE FULLIN: Yes.

(Discussion off the record.)

MR. SETTINERI: We may go back on the record.

BY MR. SETTINERI:

Q. Could you identify Company Exhibit 4 for the record, please?

A. Exhibit 4 is the -- my direct testimony.

Q. And could you identify Company Exhibit 6 for the record, please?

A. Yep. Company Exhibit 6 is the

1 application to amend the two previously referred to  
2 certificates.

3 Q. Okay. And am I correct that Company  
4 Exhibits 1, 2, 3, and Joint Exhibit 1 are referenced  
5 in your direct testimony?

6 A. Yes, they are.

7 Q. Do you have any changes to your direct  
8 testimony today?

9 A. No.

10 Q. Okay. Turning to Joint Exhibit 1 --  
11 when you have that in front of you, just let me know.

12 A. Yes.

13 Q. Okay. If you could turn to Page 9 to  
14 10, please, of Joint Exhibit 1.

15 A. Okay.

16 Q. You are familiar with the conditions  
17 that are listed starting with No. 2 at the bottom of  
18 Page 9, continuing over to Page 10, which is  
19 Condition 3?

20 A. Yes.

21 Q. Is it your understanding that those  
22 conditions, two and three, only apply to the  
23 bifurcated certificate that was issued in Case No.  
24 10-369, which would be the Timber Road II Project?

25 A. That's correct.

1 Q. And the reference to Timber Road III is  
2 a reference to the bifurcated phase in the Timber  
3 Road II Project; correct?

4 A. That's correct.

5 Q. And that these conditions do not apply  
6 to the Timber Road I Project, which would be Case No.  
7 09-980; correct?

8 A. That's correct.

9 Q. All right. You may put that aside.  
10 Turning back to Company Exhibit 4, if I were to ask  
11 you the questions in that testimony today, would your  
12 answers be the same?

13 A. Yes.

14 MR. SETTINERI: Your Honor, the witness  
15 is available for cross-examination.

16 ADMINISTRATIVE LAW JUDGE FULLIN: All  
17 right. Does any party wish to cross-examine the  
18 witness?

19 MR. LINDGREN: No questions, your Honor.

20 MS. MILAM: No questions, your Honor.

21 ADMINISTRATIVE LAW JUDGE FULLIN: All  
22 right. I don't have any cross-examination of you.

23 Do you have anything further with the  
24 witness at this time?

25 MR. SETTINERI: We don't have anything

1 further for the witness at this time.

2 ADMINISTRATIVE LAW JUDGE FULLIN: You  
3 are excused, then. Thank you.

4 THE WITNESS: Thank you.

5 (Witness excused.)

6 MR. SETTINERI: Your Honor, at this time  
7 we would move for the admission of Company's Exhibits  
8 1, 2, 3, 4, 6, as well as Joint Exhibit 1.

9 ADMINISTRATIVE LAW JUDGE FULLIN: I  
10 don't -- if there's no objection, they will be  
11 admitted at this time.

12 MR. LINDGREN: No objections, your  
13 Honor.

14 MS. MILAM: No objections, your Honor.

15 ADMINISTRATIVE LAW JUDGE FULLIN: Thank  
16 you. They will be admitted.

17 (EXHIBITS ADMITTED INTO EVIDENCE.)

18 MR. SETTINERI: And at this time, your  
19 Honor, we will rest our case.

20 ADMINISTRATIVE LAW JUDGE FULLIN: All  
21 right. Does Staff wish to produce any testimony or  
22 otherwise?

23 MR. LINDGREN: Yes, your Honor. The  
24 parties have agreed to stipulate to the admission of  
25 two staff exhibits. The first I have marked as Staff

Exhibit 1, and that is the Staff Report of Investigation that was filed in these cases, and the other document that I've marked as Staff Exhibit 2 is the Prefiled Testimony of Grant Zeto. I'll provide copies to both the reporter and the Bench.

ADMINISTRATIVE LAW JUDGE FULLIN: So the first, Exhibit 1, is the Staff Report, and Exhibit 2 is the Prefiled Testimony?

MR. LINDGREN: That is correct, your Honor.

ADMINISTRATIVE LAW JUDGE FULLIN: Okay.

MR. LINDGREN: And I understand I have an agreement of the parties for admission of these documents, and so with that agreement, I would move for the admission of both these.

ADMINISTRATIVE LAW JUDGE FULLIN: Okay. And there's no objection from either of the other parties?

MR. SETTINERI: No objection, your Honor.

MS. MILAM: No objection, your Honor.

ADMINISTRATIVE LAW JUDGE FULLIN: Okay. I will admit them into evidence at this time, and I don't have any cross-examination for the witness either from the Bench. So I will admit the exhibits

1 into evidence at this time.

2 (EXHIBITS ADMITTED INTO EVIDENCE.)

3 ADMINISTRATIVE LAW JUDGE FULLIN:

4 Anything further from Staff?

5 MR. LINDGREN: No. Thank you, your  
6 Honor.

7 ADMINISTRATIVE LAW JUDGE FULLIN: All  
8 right. From the Farm Bureau, anything you want to  
9 put into the record?

10 MS. MILAM: Nothing further, your Honor.

11 ADMINISTRATIVE LAW JUDGE FULLIN: Okay.  
12 Thank you. I think all three of the parties have  
13 rested. I don't have any further questions, so I  
14 think we can -- and all the exhibits that have been  
15 proposed have been admitted, I think we can bring  
16 this hearing to a close. Thank you.

17 MR. SETTINERI: Thank you, your Honor.

18 MS. MILAM: Thank you.

19 (Thereupon, the hearing was concluded at  
20 11:13 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-80825-2)



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

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**in**

**Case No(s). 15-2030-EL-BGA, 15-2031-EL-BGA**

Summary: Transcript In the matter of the Application of Paulding Wind Farm III, LLC for Amendments to Their Certificates to Install and Operate Wind-Powered Electric Generation Facilities in Paulding County, Ohio, hearing held on April 28, 2016. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Sloas, Valerie J. Mrs.