

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

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In the Matter of the :
Application of AEP Ohio :
Transmission Company for a :
Certificate of Environmental : Case No. 16-0534-EL-BTX
Compatibility and Public :
Need for the Dennison-Yager :
138 kV Transmission Line :
Rebuild Project. :

In the Matter of the :
Application of AEP Ohio :
Transmission Company for a :
Certificate of Environmental : Case No. 16-0535-EL-BTX
Compatibility and Public :
Need for the Yager-Desert :
Road 138 kV Transmission :
Line Rebuild Project. :

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Public hearing held before Doug L. Jennings,
Administrative Law Judge, taken before Carolyn D.
Ross, Registered Professional Reporter, at Conotton
Valley High School, 7205 Cumberland Road, SW,
Bowerston, Ohio, commencing on Wednesday, January 11,
2017, at 6:18 p.m.

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APPEARANCES:

American Electric Power
By Ryan F.M. Aguiar, Esq.
1 Riverside Plaza, 29th Floor
Columbus, Ohio 43215

On behalf of AEP Ohio
Transmission Company.

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P R O C E E D I N G S

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A.L.J. JENNINGS: The Ohio Power Siting Board is assigned for public hearing at this time and place Case No. 16-534-EL-BTX, and that case is captioned as In the Matter of the Application of AEP Ohio Transmission Company for a Certificate of Environmental Compatibility and Public Need for the Dennison-Yager 138 Kilovolt Transmission Line Rebuild Project.

There is also another case in this proceeding, Case No. 16-535-EL-BTX, and it is captioned as In the Matter of the Application of AEP Ohio Transmission Company for a Certificate of Environmental Compatibility and Public Need for the Yager-Desert Road 138 Kilovolt Transmission Line Rebuild Project.

My name is Doug Jennings, I'm an administrative law judge with the Ohio Power Siting Board, and I've been assigned to preside over this local public hearing.

As I indicated before we went on the record, there are staff members from the Board who will make themselves available for questions that you may have.

1 At this point in the proceeding, I will
2 ask the parties to enter an appearance on the record.

3 MR. AGUIAR: Thank you, Your Honor. My
4 name's Ryan Aguiar, I'm counsel for AEP Ohio
5 Transmission Company.

6 A.L.J. JENNINGS: Thank you. And are
7 there any other parties?

8 (No response.)

9 A.L.J. JENNINGS: Okay. Just to give
10 you a brief overview of the subject matter of these
11 cases, in Case No. 16-534, the Company plans to
12 install a new 138 kilovolt overhead electric
13 transmission line between the existing Dennison
14 substation in Tuscarawas County to the Yager
15 substation which is currently under construction in
16 Harrison County. There is a preferred route, which
17 is 7.2 miles long, and it parallels the existing
18 Dennison Desert Road 69 kilovolt transmission line.
19 The Company has also proposed an alternative -- an
20 alternate route that follows the existing
21 transmission line.

22 In Case No. 16-535, the Company plans to
23 install a new 138 kilovolt overhead electric
24 transmission line between the Yager substation and
25 the existing Desert Road substation. The preferred

1 route of the new transmission line is 6.8 miles long,
2 and with some deviations parallels the existing
3 Dennison Desert Road 69 kilovolt line. The alternate
4 route proposed by the Company follows the 69 kilovolt
5 Dennison Desert Road transmission line.

6 The existing 69 kilovolt transmission
7 line was constructed way back in 1926. The intent of
8 this project is to meet projected load growth so as
9 to enhance reliability.

10 I will note that there will be an
11 adjudicatory hearing in this case on January 25th,
12 2017, at 10:00 o'clock, and that will be held in the
13 Board offices in Columbus, Ohio.

14 The purpose of this evening's hearing is
15 to receive comments from the public regarding the
16 applications in these cases. I need to emphasize
17 that this is not a question-and-answer session, it is
18 your opportunity to let the Ohio Power Siting Board
19 know what you think of the proposals set forth in the
20 applications. It is also an opportunity to voice
21 your opinion over the preferred versus the alternate
22 routes.

23 You should be aware that the Board staff
24 filed Reports of Investigation in these cases on
25 December 27th, 2016. Staff has made copies available

1 outside of the room. If you don't have one, feel
2 free to get one. There are two staff reports; one
3 for 534 and one for 535, so you need -- you may need
4 both. The reports contain recommendations of the
5 Board's staff, they do not necessarily reflect what
6 the Board will ultimately do.

7 We appreciate your participation in this
8 hearing, and we want everyone who is interested to
9 have an opportunity to testify. As I indicated
10 before we got started, I will be calling names from
11 the signup sheet. If some -- at some point during
12 the process you have not signed up and you wish to
13 testify, raise your hand, let me know, and I'll give
14 you an opportunity to make a statement. I will have
15 you sworn in, take an oath before testifying. Those
16 of you who wish to affirm instead, let me know, I
17 will accommodate that.

18 If there are no questions, I will call
19 the first witness. Struggling with the handwriting
20 here. Is it Donald Rostad?

21 MR. ROSTAD: Yeah.

22 A.L.J. JENNINGS: Let's go off the
23 record for a moment.

24 (Discussion held off the record.)

25 A.L.J. JENNINGS: Would you raise your

1 right hand, please?

2 (Witness placed under oath.)

3 A.L.J. JENNINGS: Okay. Would you
4 please state and spell your name for the record?

5 MR. ROSTAD: Donald G. Rostad,
6 R-o-s-t-a-d.

7 A.L.J. JENNINGS: And your address,
8 please.

9 MR. ROSTAD: My home address?

10 A.L.J. JENNINGS: Yes.

11 MR. ROSTAD: 323 Hummel Valley Road, New
12 Philadelphia, Ohio 44663.

13 A.L.J. JENNINGS: Okay. Do you know
14 which case involves your property?

15 MR. ROSTAD: Yeah. I just bought that
16 thing a couple years ago, and that's -- I don't know
17 the -- my wife probably knows the number of it. But
18 if you'll see, C&D Tractor Company on the corner of
19 36 and 250, if you come 36 to the stop sign, you turn
20 left, it would be the -- there's a house there and
21 then there's a place where the oil field opened up
22 and then there's a road. My place is where the
23 tractors are out in front of the road, which I think
24 there's about 2.2 acres or something like that, and I
25 just opened that up just like two years ago.

1 A.L.J. JENNINGS: Okay.

2 MR. ROSTAD: Getting close to two years
3 ago, but I -- if that power line comes through there,
4 I assume that it's going to take the whole piece of
5 property, business and all. It will have to, I would
6 think. I just wanted to know if it's going to take
7 me out of business.

8 The other concern I have is I moved here
9 from Wisconsin, and they put a power line in like
10 that up there at Portage, Wisconsin. A classmate of
11 mine's father was a farmer. The -- they started that
12 power station up -- I can't remember the kilowatts,
13 but it's a big one. When they started it up by only
14 going east of Portage, Wisconsin on highway -- on
15 Highway 51, and when they started it up the cattle on
16 certain farms quit -- quit milking, they quit
17 growing, pigs wouldn't grow. It went down into a
18 water line and followed the path of the water.

19 The State came in there and sprayed the
20 barns and anyplace the cattle were, and then they
21 shaved the top of the cattle's back and they put volt
22 meters on top of their back even standing on rubber,
23 and it didn't do any good because it came right up
24 through the rubber and right up into the cattle. So
25 that -- that guy was a classmate, his name was Elgin

1 Paskey, I graduated with him.

2 And there's several farms in that area
3 that were just sold, the State bought them up, and
4 then all the homes around, they -- the people -- I
5 don't know what they did, because I have a nephew
6 that lives there in one of them, and they said,
7 "Well, we'll make it easy for you. You just -- you
8 can -- you can have your brand new home on there and
9 your land won't cost you anything and you don't have
10 to pay any taxes." So my nephew lives underneath one
11 of them in that power -- where that high power is,
12 but I -- I'm concerned about this is going to take me
13 out of business.

14 A.L.J. JENNINGS: Okay.

15 MR. ROSTAD: That's all I have.

16 A.L.J. JENNINGS: Okay.

17 MR. ROSTAD: I just don't want to go out
18 of business unless, you know, unless you want to buy
19 the business and you can have it. Anything I've
20 got's for sale.

21 A.L.J. JENNINGS: Is it your concern
22 that the location of the property lines will require
23 you to shut down the business, or are you
24 concerned -- the health concerns of your -- like your
25 classmate in Wisconsin?

1 MR. ROSTAD: I'm not concerned about the
2 health concerns as much, because up there it followed
3 the water underneath the property way down deep and
4 then came back up. You probably understand that
5 better than I do, I don't.

6 But, no, I just think that by the -- by
7 reading that, you get another 100 foot right-of-way
8 on my property, that will go right through the center
9 of the house and the tractors and every display I've
10 got. But that's all I've got to say. It's for sale
11 if you want it, it's --

12 MS. ROSTAD: It's No. 534, that route.

13 MR. ROSTAD: No. 534.

14 A.L.J. JENNINGS: Okay. Thank you. I
15 was going to ask you that.

16 MR. ROSTAD: Okay. That's all. I don't
17 have anything else. I just didn't want to be put out
18 of business, but if I do, I do.

19 A.L.J. JENNINGS: Okay.

20 MR. ROSTAD: I'm old enough to get out
21 of business anyway.

22 A.L.J. JENNINGS: Excuse me, off the
23 record.

24 (Discussion held off the record.)

25 A.L.J. JENNINGS: Brad Hillyer.

1 (Witness placed under oath.)

2 A.L.J. JENNINGS: Thank you. State and
3 spell your name for the record, please.

4 MR. HILLYER: Brad Hillyer, business
5 address is 201 North Main Street, Uhrichsville, Ohio.
6 I'm a private attorney, but I'm also here on behalf
7 of a number of clients affected by the line, as well
8 as I am the president of the holding company that
9 owns Bowerston Shale that's directly affected by the
10 proposed line.

11 I -- I think a lot of folks -- I know
12 many of these people in the room are concerned that
13 the -- you know, that if the line is built -- and I
14 don't think anybody is opposed to increasing economic
15 development for our area -- but they want to be
16 treated fairly. And I think the issue that probably
17 most concerns them is they do not want their
18 properties taken by eminent domain by American
19 Electric Power.

20 We have -- we are -- in our area, we
21 have a tremendous amount of pipeline activity. There
22 are nine different companies that are building
23 pipelines right now, and for the most part I think
24 they're treating people very fairly with the
25 compensation they're paying to acquire those

1 pipelines. But American Electric Power so far in my
2 dealings with them is not treating individuals where
3 they're attempting to get eminent domain or lines
4 from near the compensation level that -- that the
5 competition, the pipeline companies, are paying.

6 So I think my concern is that if -- if
7 there's a grant of eminent domain, that the -- you
8 know, that our local residents are going to be
9 pounded by defending lawsuits to -- to take their
10 property. A lot of these -- we understand that this
11 is a rebuild of a line, but they are -- they are
12 seeking 50 more feet for the most part on what
13 already exists on the line that's being rebuilt; so
14 that is -- that is as wide as the pipeline companies
15 are taking. But the -- like I said, the compensation
16 that I've seen so far is offered at probably 20
17 percent of the rate that the pipeline companies are
18 paying.

19 So I think what we're concerned about is
20 that, you know, people are treated fairly, that if
21 there are situations that impact their property, that
22 they can't have the line where AEP wants it, that
23 they're willing to move it or relocate it and that
24 it's not taken from them, that they are entitled to
25 negotiate a price and not have their property taken,

1 because the line that's in there, nobody has seen any
2 compensation from that line for 90 years. So I just
3 think people want to be treated fairly. So that's
4 all I have to say.

5 A.L.J. JENNINGS: Mr. Hillyer, you find
6 that the issue of compensation relates to both cases?

7 MR. HILLYER: Yes. Well, the -- the --
8 obviously if American Electric Power could build this
9 line in their existing 50-foot line, they wouldn't
10 need to -- they wouldn't need to be here, they could
11 simply get the necessary permits and -- because they
12 already have the right-of-way.

13 Well, we have a very hilly area, and I
14 think that it's going to be very difficult to build
15 without acquiring the additional 50-foot wide they
16 need to get their equipment up and down the hills in
17 eastern Ohio. So the -- I just -- I just think that,
18 you know, the lines that are there, if they're going
19 to be acquiring more property, that it should be on
20 an arm's-length transaction between the landowners
21 and it shouldn't be taken by an eminent domain
22 proceeding.

23 A.L.J. JENNINGS: Do you know if the
24 alternate route provides some less level of -- fewer
25 issues than the preferred route?

1 MR. HILLYER: Well, the -- the -- as I
2 understand it, the alternate route is primarily
3 what's already there, but it's -- obviously from the
4 maps I see that they want to go in a more direct line
5 from Dennison to the Yager substation. So, you know,
6 I'm not in a position to tell whether widening where
7 it is is better than -- than building a new route, I
8 don't -- you know, I don't have any impact on that.

9 In the Bowerston Shale case, leaving the
10 line where it is will be better because we mine clay
11 there, and where they want to go across is across our
12 mine area. So in that case, it's not a -- the
13 alternate route is better than the new route.

14 That's all I have. Thank you.

15 A.L.J. JENNINGS: Thank you.

16 Next witness is Sharon Rostad.

17 MS. ROSTAD: No, I decline. I decline.

18 A.L.J. JENNINGS: Next is Jerry Rippeth.

19 MR. RIPPETH: No, sir. That's my
20 ignorance. I thought it was a registration to let
21 you know who was here when I signed it; so I'm not
22 here to testify.

23 A.L.J. JENNINGS: Okay. Thank you. Don
24 Beamer.

25 MR. BEAMER: Yeah, I decline, too. I

1 thought it was the same thing that Jerry did.

2 A.L.J. JENNINGS: Okay. Terry Scott.

3 MR. SCOTT: Oh, I just signed up for the
4 door prizes.

5 (Laughter.)

6 A.L.J. JENNINGS: I'm sorry, we don't
7 offer door prizes.

8 Okay. Those are all the names that I
9 have. If anyone else wants to testify, now is your
10 opportunity. Yes.

11 MR. HOST: Is there any kind of a list
12 of property owners that this --

13 A.L.J. JENNINGS: Pardon?

14 MR. HOST: -- the new line will cross
15 over?

16 THE COURT REPORTER: Can I get your
17 name, please?

18 A.L.J. JENNINGS: Your name.

19 MR. HOST: Bill Host.

20 I don't think I've ever talked to
21 anybody, but it looks like it might cross over us a
22 little bit.

23 A.L.J. JENNINGS: Okay. After the
24 hearing, you can probably get your question answered.

25 MR. HOST: Okay.

1 A.L.J. JENNINGS: Anyone else want to
2 testify?

3 (No response.)

4 A.L.J. JENNINGS: If not, I will
5 adjourn. Thank you.

6 (Thereupon, the hearing was
7 concluded at 6:37 p.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 Wednesday, January 11,
2017, 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-82813)

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in

Case No(s). 16-0534-EL-BTX, 16-0535-EL-BTX

Summary: Transcript In the Matter of the Application of AEP Ohio Transmission Company for a Certificate of Environmental Compatibility and Public Need for the Dennison-Yager 138 KV Transmission Line Rebuild Project and In the Matter of the Application of AEP Ohio Transmission Company for a Certificate of Environmental Compatibility and Public Need for the Yager-Desert Road 138 KV Transmission Line Rebuild Project, hearing held on Wednesday, January 11, 2017. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Ross, Carolyn D.