

BEFORE THE OHIO POWER SITING BOARD

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In the Matter of the :
Application of Guernsey Power :
Station, LLC, for a : Case No.
Certificate of Environmental : 16-2443-EL-BGN
Compatibility and Public Need :
for an Electric Generating :
Facility in Guernsey County, :
Ohio. :

- - -

PROCEEDINGS

Before Administrative Law Judge Nick Walstra,
held at the Public Utilities Commission of Ohio,
180 East Broad Street, Hearing Room 11-D,
Columbus, Ohio, on Wednesday, August 23, 2017,
at 10:00 A.M.

- - -

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222 East Town Street, 2nd Floor
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- - -

APPEARANCES:

Bricker & Eckler
By Ms. Sally W. Bloomfield
and
Mr. Dylan F. Borchers
100 South Third Street
Columbus, Ohio 43215

On behalf of Guernsey Power
Station, LLC.

Mr. Thomas Lindgrin
Assistant Attorney General
30 East Broad Street
16th Floor
Columbus, Ohio 43215

On behalf of the Staff of the Ohio
Power Siting Board.

Dickinson Wright PLLC
By Ms. Christine M.T. Pirik
150 East Gay Street
Suite 2400
Columbus, Ohio 43215

On behalf of Aspire Energy, LLC.

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INDEX TO WITNESSES	
	DIRECT CROSS
APPLICANT'S WITNESSES	
Michael King	7

- - -

INDEX TO EXHIBITS

- - -

JOINT EXHIBITS

MARKED ADMT

1 Joint Stipulation and
Recommendation

7 10

STAFF EXHIBITS

1 Staff Report of
Investigation

9 10

APPLICANT'S EXHIBITS

1 Application

7 10

2 Proof of Service

7 10

3 Proof of Publication

7 10

4 Proof of Publication

7 10

5 Updated Direct Testimony
of Michael King

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Wednesday Morning,
August 23, 2017.

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ADMINISTRATIVE LAW JUDGE WALSTRA:

The Ohio Power Siting Board has called for
hearing Case No. 16-2443-EL-BGN being In the
Matter of the Application of Guernsey Power
Station, LLC for a Certificate of Environmental
Compatibility and Public Need for an Electric
Generating Facility in Guernsey County, Ohio.

My name is Nick Walstra, I am
the Administrative Law Judge assigned by
the Board to hear this case. We will begin by
taking appearances of the parties. On behalf of
Guernsey Power Station.

MS. BLOOMFIELD: Yes. Your Honor,
on behalf the Applicant the law firm of Bricker
& Eckler, Sally W. Bloomfield and Dylan F.
Borchers. Address is 100 South Third Street,
Columbus, Ohio 43215.

ADMINISTRATIVE LAW JUDGE WALSTRA:

Thank you. On behalf of Aspire.

MS. PIRIK: On behalf of Aspire, the
law firm of Dickinson Wright, Christine Pirik.
Our law firm address is 150 East Gay Street,

1 Columbus, Ohio 43215.

2 ADMINISTRATIVE LAW JUDGE WALSTRA:

3 Thank you. On behalf of Staff.

4 MR. LINDGRIN: On behalf of the
5 Staff of the Ohio Power Siting Board, Ohio
6 Attorney General Mike DeWine, by Thomas G.
7 Lindgrin, Assistant Attorney General. The
8 address is 30 East Broad Street, 16th floor,
9 Columbus, Ohio 43215.

10 ADMINISTRATIVE LAW JUDGE WALSTRA:

11 Thank you. I understand a stipulation has been
12 filed in this case.

13 MS. BLOOMFIELD: Yes, your Honor.
14 And off the record we have marked that as Joint
15 Exhibit 1.

16 And in addition the Applicant has a
17 number of exhibits, the first one being the
18 Application.

19 And then there is Proof of Service
20 that is Exhibit 2. And there are two
21 publications which are the first legal notice
22 which is Applicant's Exhibit 3. A second legal
23 notice is Applicant's Exhibit 4.

24 And the updated testimony of Michael
25 King is Applicant's Exhibit 5.

1 ADMINISTRATIVE LAW JUDGE WALSTRA:

2 So marked.

3 MS. BLOOMFIELD: Those are
4 referenced in the joint stipulation, yes.

5 ADMINISTRATIVE LAW JUDGE WALSTRA:

6 Thank you.

7 (EXHIBITS MARKED FOR THE PURPOSE OF
8 IDENTIFICATION)

9 ADMINISTRATIVE LAW JUDGE WALSTRA:

10 Are you going to call any witnesses?

11 MS. BLOOMFIELD: Yes, your Honor.

12 At this point I would call Michael King.

13 (WITNESS SWORN)

14 - - -

15 MICHAEL KING

16 called as a witness, being first duly sworn,
17 testified as follows:

18 DIRECT EXAMINATION

19 By Ms. Bloomfield:

20 Q. Mr. King, would you indicate your
21 name and by whom you are employed for the
22 record?

23 A. My name is Michael King, and I am a
24 managing partner at Apex Power Group and an
25 authorized representative of Guernsey Power

1 Station, LLC.

2 Q. Thank you. Do you have before you
3 what has been marked as Applicant's Exhibit 5,
4 which is the Updated Direct Testimony of Michael
5 King?

6 A. I do.

7 Q. And is this your testimony?

8 A. It is my testimony.

9 Q. Was it prepared under your
10 supervision?

11 A. Yes, it was.

12 Q. And if I were to ask you the
13 questions in this Applicant's Exhibit 5 today
14 would your answers be the same?

15 A. Yes.

16 Q. Do you have any corrections or
17 deletions?

18 A. No.

19 MS. BLOOMFIELD: Your Honor, I have
20 no further questions.

21 ADMINISTRATIVE LAW JUDGE WALSTRA:
22 Thank you. Any cross-examination?

23 MS. PIRIK: None, your Honor.

24 MR. LINDGRIN: None, your Honor.

25 ADMINISTRATIVE LAW JUDGE WALSTRA:

1 You are all set. Thank you.

2 MS. BLOOMFIELD: Your Honor, I can
3 wait until the end to move the Applicant's
4 Exhibits 1 through 5, or wait for the Staff,
5 whichever you prefer.

6 ADMINISTRATIVE LAW JUDGE WALSTRA:
7 We can do them all at the end. Mr. Lindgrin.

8 MR. LINDGRIN: Your Honor, I do not
9 plan to introduce any witness today, but I have
10 marked as Staff Exhibit 1 the Staff Report of
11 Investigation.

12 ADMINISTRATIVE LAW JUDGE WALSTRA:
13 Okay. That will be so marked.

14 (EXHIBIT MARKED FOR THE PURPOSE OF
15 IDENTIFICATION)

16 ADMINISTRATIVE LAW JUDGE WALSTRA:
17 So at this point --

18 MS. BLOOMFIELD: At this point, your
19 Honor, I would move acceptance of Applicant's
20 Exhibits 1 through 5 and Joint Exhibit 1, which
21 is the stipulation that was filed yesterday.

22 ADMINISTRATIVE LAW JUDGE WALSTRA:
23 Okay. Any objections?

24 MS. PIRIK: No objection, your
25 Honor.

1 MR. LINDGRIN: No objection.

2 ADMINISTRATIVE LAW JUDGE WALSTRA:

3 They will be admitted.

4 (EXHIBITS ADMITTED INTO EVIDENCE)

5 MR. LINDGRIN: Your Honor, I would
6 move the admission of Staff Exhibit 1.

7 ADMINISTRATIVE LAW JUDGE WALSTRA:

8 Any objections?

9 MS. PIRIK: No objections.

10 MS. BLOOMFIELD: No

11 ADMINISTRATIVE LAW JUDGE WALSTRA:

12 Staff Exhibit 1 will be admitted.

13 (EXHIBIT ADMITTED INTO EVIDENCE)

14 ADMINISTRATIVE LAW JUDGE WALSTRA:

15 Anything else to come before the Bench?

16 MS. BLOOMFIELD: Not by us, your
17 Honor.

18 MR. LINDGRIN: No, your Honor.

19 ADMINISTRATIVE LAW JUDGE WALSTRA:

20 All right. Then the Board will take this under
21 advisement, and we are adjourned. Thank you.

22 MS. BLOOMFIELD: Thank you, your
23 Honor.

24 (At 10:10 A.M. the hearing was
25 concluded)

CERTIFICATE

I do hereby certify that the foregoing
is a true and correct transcript of the
proceedings taken by me in this matter on August
23, 2017, and carefully compared with my
original stenographic notes.

Michael O. Spencer,
Registered Professional
Reporter.

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in

Case No(s). 16-2443-EL-BGN

Summary: Transcript In the Matter of the Application of Guernsey Power Station, LLC, for a Certificate of Environmental Compatibility and Public Need for an Electric Generating Facility in Guernsey County, Ohio, hearing held on August 23, 2017. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Spencer, Michael O. Mr.