

BEFORE THE OHIO POWER SITING BOARD

- - -

In the Matter of the ;  
Application of AEP Ohio :  
Transmission Company, Inc. : Case No.  
for a Certificate of : 17-1907-EL-BTX  
Environmental Compatibility :  
and Public Need for the Bell :  
Ridge-Devola 138 kV :  
Transmission Line Project. :

- - -

PROCEEDINGS

Before Stacie Cathcart, Administrative Law  
Judge, at the offices of the Public Utilities  
Commission of Ohio, 180 East Broad Street,  
Hearing Room 11-C, Columbus, Ohio, on Monday,  
June 18, 2018, at 10:00 A.M.

- - -

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- - -

1 APPEARANCES:

2 Ms. Christen M. Blend  
3 and  
4 Ms. Julie E. Sanders  
5 1 Riverside Plaza  
6 Columbus, Ohio 43215

7  
8 On behalf of AEP Ohio Transmission  
9 Company, Inc.

10  
11 Mr. Werner L. Margard  
12 Assistant Attorney General  
13 30 East Broad Street, 16th Floor  
14 Columbus, Ohio 43215

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16 On behalf of the Staff of the  
17 Ohio Power Siting Board.  
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21  
22  
23  
24  
25

INDEX TO WITNESSES		
- - -		
	DIRECT	CROSS
AEP OHIO WITNESSES		
Ronald M. Howard, Jr.	15	17
STAFF WITNESSES		
Jon Whitis	11	
PUBLIC WITNESSES		
Di Krivchenia	7	
Shirley Duckworth	20	22

- - -

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

INDEX TO EXHIBITS

IDENTIFIED

AEP OHIO TRANSCO EXHIBITS

1	Pre-Application Notification Letter	14
2	Proof of Notification	14
3	Proof of Publication	14
4	Application	14
5	Proof of Notification	15
6	Proof of Notification	15
7	Direct Testimony of Ronald M. Howard, Jr.	15

STAFF EXHIBITS

1	Staff Report of Investigation	10
2	Prefiled Testimony of Jon Whitis	11

JOINT EXHIBITS

1	Stipulation and Recommendation	15
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1  
2  
3  
4  
5  
6  
7  
8  
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12  
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Monday Morning,  
June 18, 2018.

- - -

ALJ CATHCART: The Ohio Power  
Siting Board has assigned for hearing at this  
time and place Case No. 17-1907-EL-BTX being In  
the Matter of the Application of AEP Ohio  
Transmission Company for a Certificate of  
Environmental Compatibility and Public Need for  
the Bell Ridge-Devola 138 kV Transmission Line  
Project.

I am Stacie Cathcart and I am the  
Administrative Law Judge assigned by the  
Commission to hear this case.

At this time I would like to take  
appearances of the parties beginning with AEP.

MS. BLEND: Good morning, Your  
Honor. On behalf AEP Ohio Transmission Company,  
Inc., Christen M. Blend and Julie E. Sanders,  
American Electric Power Service Corporation, 1  
Riverside Plaza, 29th Floor, Columbus, Ohio  
43215.

ALJ CATHCART: Thank you.

MR. MARGARD: Good morning, Your  
Honor. On behalf of the Staff of the Ohio Power

1 Siting Board, Mike DeWine, Ohio Attorney  
2 General, William Wright, Section Chief Public  
3 Utilities Section, by Assistant Attorney General  
4 Werner Margard, 30 East Broad Street, 16th  
5 Floor, Columbus, Ohio.

6 ALJ CATHCART: Is there any members  
7 of the public present today who would like to  
8 make a statement?

9 MS. DI KRIVCHENIA: I would.

10 ALJ CATHCART: Is there any  
11 objection?

12 MS. BLEND: No, Your Honor.

13 ALJ CATHCART: If you would like to  
14 make a statement you have a choice between a  
15 sworn statement and an unsworn statement. If  
16 sworn it will be a part of the record in this  
17 matter and can be used as evidence. However,  
18 then you are subject to questioning by counsel  
19 for the parties.

20 If you prefer to make an unsworn  
21 statement then you are not questioned by  
22 the parties' attorneys, but the statement will  
23 not be part of the record in this matter.  
24 Therefore, it will not impact the Board's  
25 decision on this matter. However, the Board

1 will use this information for other  
2 investigations that it may pursue.

3 If you choose to make the sworn  
4 statement then you will be treated as any other  
5 witness.

6 MS. DI KRIVCHENIA: Okay. Well, I  
7 already did a sworn statement at the last  
8 hearing. May I do an update to that sworn  
9 statement or --

10 ALJ CATHCART: If you would like to  
11 make a sworn statement you would have to come up  
12 and been sworn in and then you would be able to  
13 be questioned by the Staff attorney as well as  
14 the AEP attorneys.

15 MS. DI KRIVCHENIA: Okay. Yes.

16 (WITNESS SWORN)

17 - - -

18 DI KRIVCHENIA  
19 called as a witness, being first duly sworn,  
20 testified as follows:

21 ALJ CATHCART: Please state your  
22 name and address for the record.

23 MS. DI KRIVCHENIA: Di Krivchenia,  
24 14967 Glendale Road, Marietta, Ohio.

25 ALJ CATHCART: Proceed.

1 MS. DI KRIVCHENIA: First I want to  
2 say that last Friday at 2:00 P.M. there was a  
3 meeting at my home with Joe Alman. He was very  
4 clear about everything that was happening.

5 He promised me that there would be  
6 no BS, and that he knew more about the project  
7 than anybody, so he could tell us.

8 So I asked him if I could call my  
9 neighbors over so that they would actually know  
10 what was going on whether they were owners or  
11 they lived within the thousand foot space.

12 I think before that time I was not  
13 clear on information. And I do need to say that  
14 partially that was me thinking there was going  
15 to be single poles as opposed to H frames. I  
16 only found out about H frames less than three  
17 weeks ago. The day after the holiday.

18 Once I knew it was going to H frames  
19 I popped into gear and tried to find out every  
20 piece of information I could, and I could not  
21 find the H frames for this project on the AEP  
22 website at that time. I feel that we got  
23 the letters before AEP updated their website.

24 But, when Joe came to my home he  
25 showed us everything that was going to be



1     happening, told us what we could do about it,  
2     which is nothing. And I feel like I came a  
3     little late to the party, because I did.

4             While I have never hired an attorney  
5     in my life, except to do wills and trust things,  
6     I felt really unknowledgeable about how to go  
7     about it. And I feel that from the last hearing  
8     we had in Marietta people were unclear about  
9     what was happening. I felt that not enough  
10    effort was made to be transparent and honest  
11    with people.

12            And, of course, my neighbors, most  
13    of them knew nothing about this. And my  
14    next-door neighbor is an attorney who knew about  
15    the extended part, but didn't know it was going  
16    to come across that close to her property.

17            I think Joe determined she is  
18    actually 498 feet away, and he should have  
19    contacted her, but he didn't.

20            So, of course, my neighbors are very  
21    upset. This is coming through my property, but  
22    just a small part of my property. It is on the  
23    edge of my property.

24            And while I would like the  
25    alternative plan a lot better, I am more

1 concerned that it's going through a  
2 neighborhood. And I think it has the most  
3 houses the closest together with Glendale Road  
4 and Sherry Drive being involved.

5 And I would like to just encourage  
6 you to think about the alternate site, although  
7 Joe told me that the Staff had already approved  
8 the preferred site.

9 So, that is all I need to say. Any  
10 questions for me?

11 MS. BLEND: No questions, Your  
12 Honor. Thank you.

13 MR. MARGARD: No questions. Thank  
14 you, Your Honor.

15 ALJ CATHCART: Thank you. The  
16 parties have indicated they have filed a  
17 stipulation in this matter.

18 MS. BLEND: Yes, Your Honor,

19 ALJ CATHCART: Are we ready to  
20 proceed?

21 MR. MARGARD: We are, Your Honor.  
22 And Staff will first offer the Staff Report of  
23 Investigation which I have pre-marked for  
24 purposes of identification as Staff Exhibit No.  
25 1.

We will also offer the testimony of staff witness Jon Whitis. And I have marked his prepared testimony as Staff Exhibit No. 2.

ALJ CATHCART: Okay. Those will be so marked.

(EXHIBITS HEREBY MARKED FOR IDENTIFICATION PURPOSES.)

MR. MARGARD: And I would like to call Mr. Whitis to the stand, please.

(WITNESS SWORN)

- - -

JON WHITIS

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

MR. MARGARD: Your Honor, I would note that as filed the pre-filed testimony of Jon Whitis was marked as Staff Exhibit 1. I have changed that designation to Staff Exhibit No. 2. And a copy I have provided to you and to the court reporter.

DIRECT EXAMINATION

By Mr. Margard:

Q. Identify yourself, please, sir.

A. My name is Jon Whitis.

Q. And by whom are you employed and in

1 what capacity, please?

2 A. I am employed by the Public  
3 Utilities Commission of Ohio. I am a rate  
4 specialist.

5 Q. You have before you what's been  
6 marked as Staff Exhibit No. 2?

7 A. Correct.

8 Q. This is your prepared direct  
9 testimony; is that correct?

10 A. It is.

11 Q. Was this prepared by you or under  
12 your direction?

13 A. It was.

14 Q. Have you reviewed this document  
15 prior to taking the stand today?

16 A. I have.

17 Q. Do you have any changes,  
18 corrections, modifications, edits of any kind to  
19 that document?

20 A. I do not.

21 Q. And if I would ask you the questions  
22 contained there would they be the same?

23 A. They would be.

24 Q. Mr. Whitis, you also have before you  
25 what's been marked as Staff Exhibit No. 1?

1 A. Yes, I do.

2 Q. And what is that document, please?

3 A. It is the Staff Report of  
4 Investigation for AEP Ohio Transmission Company  
5 Bell Ridge-Devola 138 kV transmission line.

6 Q. Did you have some involvement in the  
7 preparation of this report?

8 A. I did.

9 Q. And have you reviewed this report  
10 prior to taking the stand today?

11 A. I have.

12 Q. And do you have any changes,  
13 corrections, amendments, edits, modifications of  
14 any kind to that report?

15 A. I do not.

16 Q. And do you believe that that  
17 accurately reflects the findings and conclusions  
18 of the Staff in this matter?

19 A. I do.

20 Q. And in your opinion are those  
21 findings and conclusions and the conditions  
22 proposed reasonable?

23 A. They are.

24 MR. MARGARD: Your Honor, I tender  
25 Mr. Whitis for cross-examination.

1 ALJ CATHCART: Thank you

2 MS. BLEND: No questions.

3 ALJ CATHCART: You may be excused.

4 MR. MARGARD: Your Honor, that's all  
5 we have and I would, therefore, respectfully  
6 move for admission of Staff Exhibits 1 and 2.

7 ALJ CATHCART: And objection?

8 MS. BLEND: No objections, Your  
9 Honor.

10 ALJ CATHCART: So moved.

11 (EXHIBITS ADMITTED INTO EVIDENCE)

12 MS. BLEND: Thank you, Your Honor.  
13 Before AEP Ohio Transmission Company calls its  
14 witness I would like to mark a few exhibits  
15 which have been provided to the Bench and to the  
16 court reporter.

17 First is AEP Ohio Transco Exhibit 1,  
18 which is the pre-application notification letter  
19 filed in this docket on September 22nd, 2017.

20 The second is AEP Ohio Transco  
21 Exhibit No. 2, proof of notification filed in  
22 this docket on September 22nd, 2017.

23 AEP Ohio Transco Exhibit 3, proof of  
24 publication filed October 11th, 2017.

25 And AEP Ohio Transco Exhibit No. 4,

which is the application filed in this docket  
December 21st, 2017.

AEP Ohio Transco Exhibit No. 5, the  
proof of notification filed on March 15th, 2018.

AEP Ohio Transco Exhibit No. 6, the  
proof of notification filed on April 23rd, 2018.

AEP Ohio Transco Exhibit No. 7, the  
Direct testimony of Ronald M. Howard, Jr.

And Joint Exhibit No. 1, which is  
the Stipulation and Recommendation filed in this  
case.

ALJ CATHCART: So marked.

(EXHIBITS MARKED FOR THE PURPOSE OF  
IDENTIFICATION)

MS. BLEND: Thank you, Your Honor.  
AEP Ohio Transmission Company calls Ronald  
Howard.

(WITNESS SWORN)

- - -

RONALD M. HOWARD, JR.  
called as a witness, being first duly sworn,  
testified as follows:

ALJ CATHCART: Please state your  
name and business address.

THE WITNESS: Ronald M. Howard, Jr.

1 700 Morrison Road, Gahanna, Ohio. I am a siting  
2 specialist with AEP.

3 ALJ CATHCART: Thank you.

4 DIRECT EXAMINATION

5 By Ms. Blend:

6 Q. Good morning, Mr. Howard. You have  
7 before you what's been marked AEP Ohio Transco  
8 Exhibit 7; correct?

9 A. Correct. Yes, I do.

10 Q. What is this document?

11 A. It is the direct testimony of Ronald  
12 M. Howard, Jr. on behalf of AEP in the matter of  
13 Case No. 17-1907-EL-BTX.

14 Q. Thank you. Was this testimony  
15 prepared by you or under your direction?

16 A. Yes, it was.

17 Q. And do you have any corrections or  
18 additions at this time?

19 A. I do not, no.

20 Q. If I were to ask you the questions  
21 contained in your written testimony on the stand  
22 today would your answers be the same?

23 A. Yes, they would.

24 Q. Attached as Attachment A to your  
25 testimony is the Stipulation and Recommendation



1 that was filed in this case, which has also been  
2 marked as Joint Exhibit 1; is that correct?

3 A. Yes.

4 MS. BLEND: Your Honor, I tender Mr.  
5 Howard for cross-examination and move for  
6 admission of AEP Ohio Transco Exhibit Nos. 1  
7 through 7 and Joint Exhibit No. 1 subject to  
8 cross-examination.

9 ALJ CATHCART: Thank you. Any  
10 cross?

11 MR. MARGARD: Your Honor, while it  
12 may appear friendly in nature, I think it's  
13 useful for the record to ask just a few  
14 questions, if I may.

15 ALJ CATHCART: Yes.

16 CROSS-EXAMINATION

17 By Mr. Margard:

18 Q. Good morning, Mr. Howard.

19 A. Good morning.

20 Q. You have been involved in a number  
21 of these cases; haven't you?

22 A. Yes, I have.

23 Q. And you have been involved in  
24 discussions that have resulted in  
25 the stipulations just like this one; haven't

1     you?

2             A.     Yes, I have.

3             Q.     In your experience do you believe  
4     that this stipulation was arrived at by  
5     discussions among knowledgeable parties?

6             A.     I do.

7             Q.     And experienced parties in such  
8     matters?

9             A.     Yes, I do.

10            Q.     Mr. Howard, do you believe that  
11     the stipulation that has been offered today is  
12     in the public interest?

13            A.     I do.

14            Q.     And how do you believe that it  
15     benefits the public, sir?

16            A.     Over the last approximately three  
17     years AEP has been working in the greater  
18     Marietta region, not just on this case, but on  
19     approximately seven others that kind of combine  
20     into a southeast Ohio area improvements in  
21     coordination with Buckeye Power and Washington  
22     Electric to provide better service, more liable  
23     service to the people of Marietta.

24                    So a lot of forethought has gone  
25     into the conclusions that we recommend here

1 today.

2 Q. In addition to providing more  
3 reliable service do you anticipate economic  
4 benefits as a result of this development?

5 A. I think that conclusion could be  
6 drawn, yes.

7 Q. Sir, do you believe this stipulation  
8 violates any regulatory practices or principle  
9 that you are aware of?

10 A. Not that I am aware of.

11 MR. MARGARD: Thank you. Your  
12 Honor, I have no further questions.

13 ALJ CATHCART: Thank you. Any  
14 redirect?

15 MS. BLEND: No, Your Honor. Thank  
16 you.

17 ALJ CATHCART: You may be excused.

18 MS. BLEND: Your Honor, I would just  
19 renew my motion for admission of AEP Ohio  
20 Transco Exhibits 1 through 7 and Joint Exhibit  
21 No. 1

22 ALJ CATHCART: Any objection?

23 MR. MARGARD: I have no objections.  
24 Thank you, Your Honor.

25 ALJ CATHCART: All right. So moved.

1 (EXHIBITS ADMITTED INTO EVIDENCE)

2 ALJ CATHCART: Before we conclude I  
3 believe I missed a member of the public who may  
4 have wished to make a statement. Would you like  
5 to make a sworn or unsworn statement?

6 MS. DUCKWORTH: A sworn.

7 ALJ CATHCART: Okay. Please come  
8 forward. Any objections to allowing her to make  
9 a statement?

10 MS. BLEND: No, Your Honor.

11 MR. MARGARD: None.

12 (WITNESS SWORN)

13 - - -

14 SHIRLEY DUCKWORTH  
15 called as a witness, being first duly sworn,  
16 testified as follows:

17 ALJ CATHCART: Please state your  
18 name and address for the court reporter.

19 MS. DUCKWORTH: Shirley Duckworth,  
20 2780 Caywood Road, Marietta.

21 I did testify before, and I just  
22 like to briefly say that my family has farmed  
23 the Duck Creek area for five generations. It  
24 is not feasible to have these lines go through  
25 our farm. It would be over probably a half mile

1 going through my entire farm on that one side.

2 As I would look out I would see them  
3 from Caywood to the top of the hill. They would  
4 be in my daughter's front yard, they would go  
5 down across our pond, which we use for  
6 recreation, and for watering our cattle.

7 I don't want to push this on to my  
8 neighbors' property, they don't want it anymore  
9 than me.

10 I question the real need for it in  
11 the township. I know you have to run these  
12 someplace in our area. Solar power is coming  
13 into use by farmers and industry and residents.

14 I just don't feel that it should be  
15 in our area. I just ask you folks would you  
16 look out your window and like to see this on  
17 property that wasn't there previously?  
18 Would you buy a house with this in the side  
19 yard or in the back yard?

20 The value of our property is going  
21 down with this. It's disturbing our families,  
22 it's tearing up our homes. It's not a good  
23 thing.

24 And that is my last thought. Would  
25 you want this on your property, or would you

1 purchase property with this tower on your side  
2 yard?

3 Thank you for giving me  
4 the opportunity to speak.

5 ALJ CATHCART: Excuse me. Since you  
6 made a sworn statement I just have to make sure.  
7 Do you guys have any cross-examination?

8 MS. BLEND: Thank you, Your Honor.  
9 I do have just one question.

10 CROSS-EXAMINATION

11 By Ms. Blend:

12 Q. Ms. Duckworth, thank you for your  
13 sworn statement. Your property is on  
14 the alternate route presented in the application  
15 in this case; correct?

16 A. I believe so.

17 MS. BLEND: Thank you.

18 ALJ CATHCART: Any questions?

19 MR. MARGARD: None. Thank you, Your  
20 Honor.

21 ALJ CATHCART: You may be excused.  
22 Thank you. Any further comments?

23 Are there any other matters that  
24 need to be addressed?

25 MS. BLEND: None from the Company,

1 Your Honor.

2 ALJ CATHCART: Hearing none, this  
3 case is submitted on the record. This hearing  
4 is adjourned.

5 MS. BLEND: Thank you.

6 MR. MARGARD: Thank you.

7 (At 10:20 A.M. the hearing was  
8 concluded)

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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 June  
18, 2018, and carefully compared with my  
original stenographic notes.

*Michael O. Spencer*  
Michael O. Spencer,  
Registered Professional  
Reporter.

- - -





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

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**in**

**Case No(s). 17-1907-EL-BTX**

Summary: Transcript In the Matter of the Application of AEP Ohio Transmission Company, Inc. for a Certificate of Environmental Compatibility and Public Need for the Bell Ridge-Devola 138 kV Transmission Line Project, hearing held on June 18, 2018. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Spencer, Michael O. Mr.