

BEFORE THE OHIO POWER SITING BOARD

**In the Matter of the Application of)
Harrison Power Transmission, LLC)
for a Certificate of Environmental)
Compatibility and Public Need for the)
Harrison Power 138 kV Transmission)
Line Project)**

Case No. 17-2084-EL-BTX

DIRECT TESTIMONY OF BRIAN WILLIAMS

Q1: Please state your name, title and business address.

A. My name is Brian Williams. I am a Senior Project Manager with Jingoli Power, LLC (“Jingoli”). Harrison Power Transmission, LLC (“HPTL”) is an affiliate of Jingoli. My business address is 100 Lenox Drive, Suite 100, Lawrenceville, New Jersey 08648.

Q2: What are your duties for HPTL?

A. I manage and direct the HPTL development team, which is primarily responsible for design, schedule, budget development, corporate reporting, coordination and submittal of the application in this proceeding, required permitting, government affairs and community relations related to the HPTL project for a 138 kV Transmission Line in Harrison County, Ohio.

Q3: What is your educational and professional background?

A. I have a Bachelor of Science degree in Natural Resources from The Ohio State University and a Master of Science degree in Occupational Health and Safety from Columbia Southern University. I have over 17 years of experience in the electric power utility industry.

Q4: On whose behalf are you testifying?

A. I am testifying on behalf of the Applicant, Harrison Power Transmission, LLC.

Q5: What is the purpose of your testimony?

A. I will summarize the major items in the application and sponsor their admission into evidence, along with the exhibits and various proofs of publication. And, I will review the conditions suggested by the Board's Staff in the Staff Report of Investigation filed on August 28, 2018 and respond on behalf of the Applicant.

Q6: Would you please provide a summary and overview of the proposed project and facility?

A. Yes. HPTL is developing and proposing to build, own and operate a 138 kV Transmission Line (the "Transmission Line") which will connect a new natural gas-fired combined-cycle electric generating facility located in the Village of Cadiz, Harrison County, Ohio (the "Generating Facility") to American Electric Power's Nottingham Substation located in Athens Township, Harrison County, Ohio. The Generating Facility was approved by the Board on June 21, 2018 in Case No. 17-1189-EL-BGN.

HPTL proposes that the Transmission Line be built within the preferred right-of-way ("ROW") as modified in the June 27, 2018 Notice Regarding Modification of Project Footprint ("Modified Preferred ROW"). HPTL has also proposed an alternate ROW ("Alternate ROW"). The Modified Preferred ROW would be approximately 4.36 miles and the Alternate ROW would be approximately 5.26 miles. About 23% of the Alternate ROW overlaps with the Modified Preferred ROW to minimize impacts. Both ROWs are largely adjacent to an existing electric transmission line or natural gas pipeline for

1 approximately 3.4 miles. Either ROW will run entirely over participating private
2 property and would be approximately 200 feet wide.

3 I have managed, been directly involved with, and am familiar with the full range of
4 environmental assessments completed for the all aspects of the Transmission Line.
5 Written studies and documentation prepared under my direction are included in, and
6 attached to, the Transmission Line application.

7 **Q7: What is the general purpose of the Transmission Line?**

8 **A.** The purpose of the Transmission Line is to deliver electricity from the Generating
9 Facility to the PJM regional power grid.

10 **Q8: Are the January 24, 2018 Application and the June 27, 2018 Notice Regarding**
11 **Modification of Project Footprint, including all appendices and exhibits, true and**
12 **accurate to the best of your knowledge and belief?**

13 **A.** Yes, with the clarifications discussed later in my testimony. A copy of the
14 application for the Transmission Line has been marked as Applicant Exhibit 1.

15 **Q9: How did HPTL decide to locate the Transmission Line?**

16 **A.** Site selection for the Transmission Line was focused on a number of technical,
17 community and environmental factors, including: minimizing total length of the
18 Transmission Line, minimizing total number of turns, minimizing number of affected
19 parcels and landowners and reducing landowner interference by routing along property
20 edges and minimizing proximity to residences; minimizing public road crossings, and
21 minimizing tree clearing and wetland or stream crossing. Routing also requires
22 consideration of landowner willingness to grant easements to accommodate the

1 Transmission Line. A priority in the routing of the Transmission Line was to follow
2 existing electric transmission line and natural gas pipeline corridors.

3 **Q10: Why is the Modified Preferred ROW superior to the Alternate ROW?**

4 **A.** As discussed in the application, the Modified Preferred ROW is shorter, affects
5 fewer land owners, impacts fewer aquatic resources, and impacts less acreage of both
6 open land and forested area. Overall, the Modified Preferred ROW is the more cost-
7 effective option and results in fewer environmental and social impacts as compared to the
8 Alternate ROW.

9 **Q11: Do you believe that the proposed Transmission Line will have a positive impact on**
10 **the local community?**

11 **A.** Yes. HPTL, through its link to the Generating Facility, will strive to enhance the
12 Harrison County community through job creation, local materials sourcing and local
13 revenue generation. The Transmission Line will have a significant positive impact on the
14 local community. In addition to servicing the Generating Facility, construction of the
15 Transmission Line itself will create a number of construction jobs with a total payroll of
16 approximately \$3,000,000.

17 **Q12: Has the Transmission Line been designed to achieve minimum impacts?**

18 **A.** Yes. Since April 2016, we've been working with landowners, elected
19 representatives and community members to discuss project development in association
20 with the Generating Facility. Those discussions have been positive and people have
21 shown support for the Transmission Line and the Generating Facility.

1 Temporary construction activities are expected to have typical and relatively limited
2 impacts given their intermittent nature, time of day restrictions, and use of best
3 management practices. Increased traffic during construction will be managed and will
4 subside when the Transmission Line is operational. HPTL will obtain required permits
5 and authorizations –including, for example, permits for road crossings, wetland or stream
6 permitting from the U.S. Army Corps of Engineers, and authorization from the Ohio EPA
7 for stormwater discharges under the National Pollutant Discharge Elimination System
8 (NPDES). Following construction, except where permanent structures will remain,
9 affected areas will be restored to conditions as good as or better than those existing prior
10 to construction.

11 Studies are included in the application and, as Jill Vovaris of Kleinfelder can explain in
12 her separate testimony, show few or no expected impacts from the Transmission Line.

13 In addition to all of these efforts, HPTL will implement a complaint resolution procedure
14 to ensure any complaints regarding construction and operation of the Transmission Line
15 are appropriately investigated and resolved.

16 **Q13: Will the Applicant be sponsoring any witnesses to support the application in**
17 **addition to your testimony?**

18 **A.** In addition to my testimony, HPTL will present testimony by Jill Vovaris, Senior
19 Professional at Kleinfelder, relative to the studies undertaken in support of the
20 application.

21 **Q14: Did HPTL publish notices of the public information meeting and hold a public**
22 **information meeting prior to filing the application?**

1 A. Yes. On November 13, 2017, HPTL filed with the Board Pre-Application
2 Notification Letters regarding the planned Transmission Line. Notice of the public
3 informational meeting was published on November 4, 2017 in the Harrison News Herald,
4 a newspaper of general circulation in the project area. The public information meeting
5 was held on November 16, 2017 in Cadiz, Ohio.

6 **Q15: Did HPTL send copies of the accepted and complete application to public officials?**

7 A. Yes. On April 18, 2018, HPTL sent via Federal Express Two-Day Service a copy
8 of the accepted and complete Transmission Line application to the Harrison County
9 Commissioners (Commissioners Norris, Coffland and Bethel), to Mayor of the Village of
10 Cadiz (Mayor Zitko), to the Cadiz Township Trustees (Trustees Poilucci, Poilucci, Barr,
11 and Porter), to the Harrison County Community Improvement Corporation Executive
12 Director (Mr. Homringhausen), to the Harrison Soil and Water Conservation District
13 (Chairman Brokaw), to the Harrison County Regional Planning Commission (Chairman
14 Coffland), to the Athens Township Trustees (Trustees Smith, Butler, and Saffell) and to
15 the Puskarich Public Library in Cadiz, Ohio (Ms. Thompson). A certificate of service
16 was filed on April 18, 2018.

17 **Q16: Did the Applicant file and serve a copy of the letter sent to property owners within**
18 **the Transmission Line or contiguous to the Transmission Line?**

19 A. Yes. On April 27, 2018, HPTL mailed, via ordinary U.S. Mail, a letter providing
20 Notice of Proposed Major Utility Facility to property owners and to government officials.
21 The Notice included the then-scheduled date of the local public hearing (July 19, 2018 at
22 6:00 p.m.) and the then-scheduled date adjudicatory hearing (August 1, 2018 at 10:00
23 a.m. at the Ohio Power Siting Board). Notice was published on April 28, 2018 in the

1 Harrison News Herald, a newspaper of general circulation in Harrison County. A copy of
2 the notice and proof of publication were filed with the Board May 10, 2018.

3 On July 3, 2018, the Administrative Law Judge granted a motion to change the
4 procedural schedule filed by HPTL in this case. HPTL published notice of the change in
5 schedule on July 12, 2018 in the Free Press Standard and July 14, 2018 in the Harrison
6 News Herald. HPTL also caused a notice of the change in schedule to be posted at the
7 site of the public hearing on July 19, 2018 (the date of the originally scheduled public
8 hearing). These notices and posting were filed with the Board August 15, 2018.

9 On August 22, 2018, HPTL mailed, via ordinary U.S. Mail, a letter providing Notice of
10 Proposed Major Utility Facility to property owners and to government officials. The
11 Notice included the revised date of the local public hearing (September 12, 2018 at 6:00
12 p.m. at the Puskarich Public Library) and of the revised date of the adjudicatory hearing
13 (September 21, 2018 at 10:00 a.m. at the Ohio Power Siting Board). Notice was
14 published on August 25, 2018 in the Harrison News Herald. A copy of the notice and
15 proof of publication were filed with the Board September 7, 2018.

16 Copies of all of the notices have been marked as Applicant Exhibit 2.

17 **Q17: Did HPTL make any modifications to the Transmission Line footprint after**
18 **submittal of the initial application?**

19 Yes. On June 27, 2018, HPTL filed a Notice Regarding Modification of Project
20 Footprint with the Board. The modification changed the project footprint by relocating
21 the original Preferred ROW to better align with an existing electric transmission line. No
22 new property owners became contiguous to the Transmission Line as a result of the

1 modification of the Transmission Line footprint. On June 27, 2018, HPTL provided
2 notice of the modification to the persons that were provided Notice of Proposed Utility
3 Facility on April 27, 2018. A statement regarding the modification was also provided in
4 the July 12, 2018 and July 14, 2018 newspaper notices and July 19, 2018 posting
5 regarding the Transmission Line.

6 Copies of the Notice Regarding Modification of Project Footprint have been marked as
7 Applicant Exhibit 3.

8 **Q18: Has the schedule for the Transmission Line changed since the submission of the**
9 **initial application and subsequent Notification Regarding Modification of Project**
10 **Footprint?**

11 **A.** Yes. The schedule for construction of the Transmission Line was based on
12 supporting commercial operation of the Generating Facility by May 2021. The initial
13 application requested issuance of the Certificate in this case by late spring 2018 to
14 support commercial and financing activities in the third and fourth quarters of 2018.
15 Construction of the Transmission Line is still planned to support Generating Facility
16 operation by May 2021, but HPTL now expects to begin commercial and financing
17 activities for the Transmission Line in the fourth quarter of 2018 or first quarter of 2019
18 following certificate issuance.

19 **Q19: Have you reviewed the Staff Report of Investigation issued in this case on August**
20 **28, 2018?**

21 **A.** Yes.

1 **Q20: Do you have any clarifications regarding the information presented in the**
2 **application in response to the information in the Staff Report of Investigation?**

3 A. Yes. On page 28 of the Staff Report of Investigation, Staff stated that “[i]t
4 appears to Staff that the Applicant submitted transmission tower locations to the FAA in
5 addition to those shown in the Application. Staff is only recommending the approval of
6 tower locations as shown in this application.” As design of the Transmission Line has
7 progressed, two transmission tower locations on the Modified Preferred ROW have
8 shifted to be closer to the Alternate ROW, as shown in Attachment A to my testimony.
9 In Attachment A, the blue line represents the Alternate Route, the red line is the Modified
10 Preferred Route as submitted in the Notice Regarding Modification of Project Footprint,
11 and the green line is the updated and current Modified Preferred Route. As more fully
12 described in Ms. Vovaris’ testimony, the updated tower locations on the green line are
13 still within the Transmission Line study area, and this modification to the Transmission
14 Line design will not create additional material adverse impacts or impact any new
15 property owners.

16 **Q21: Do you have any additional clarifications regarding the information in the Staff**
17 **Report of Investigation?**

18 A. Yes. On pages 28-29 of the Staff Report of Investigation, Staff stated that
19 “[r]ecommended mitigation [from the ODOT Office of Aviation] included a requirement
20 that six transmission towers on the Modified Preferred Route and two transmission
21 towers on the Alternate Route would need to be reduced in height by 4 to 43 feet in order
22 to avoid airspace navigation issues.”

1 HPTL intends to avoid airspace navigation issues as required in the Staff Report of
2 Investigation's recommended conditions. However, installation of transmission towers at
3 the recommended reduced heights in the current locations could result in inappropriate
4 amounts of transmission line sag. Rectifying this could require the installation of
5 additional transmission towers, resulting in additional visual impacts. One possible
6 mitigation option is to develop a traffic pattern change with the nearby Harrison County
7 Airport. Another possible mitigation option could include the underground installation of
8 certain sections of the Transmission Line, subject to Staff's approval and confirmation
9 that there will be no material adverse impact from such installation, while maintaining
10 compliance with all certificate conditions. Ms. Vovaris discusses this option in her
11 testimony more thoroughly. To give HPTL the flexibility to implement the underground
12 mitigation measures, HPTL has proposed revising certain conditions recommended in the
13 Staff Report of Investigation.

14 **Q22: Does the Applicant have any proposed revisions to any of the conditions**
15 **recommended by the Staff in that Staff Report of Investigation?**

16 **A.** Yes.

17 **Q23: What are the proposed revisions?**

18 **A.** HPTL proposes the following revisions or clarifications:

19 Condition 3

20 HPTL recommends that Condition 3 be modified to require that any changes in pole
21 locations such as those noted in my testimony be submitted to Staff as part of the final
22 engineering design for review and confirmation that final design will not require a change

1 in certificate conditions. Specifically, HPTL recommends that Condition 3 be revised to
2 read:

3 3. At least 30 days before the preconstruction conference, the
4 Applicant shall submit to Staff, for review to ensure compliance with this
5 condition, one set of detailed engineering drawings of the final project
6 design, including the facility, temporary and permanent access roads, any
7 crane routes, construction staging areas, and any other associated facilities
8 and access points, so that Staff can determine that the final project design
9 is in compliance with the terms of the certificate. Any changes to the final
10 project layout different than the proposed layout shall be submitted to
11 Staff as part of the final project design for Staff's review and confirmation
12 that the final design will not require a change in certificate conditions.
13 The final project layout shall be provided in hard copy and as
14 geographically-referenced electronic data. The final design shall include
15 all conditions of the certificate and references at the locations where the
16 Applicant and/or its contractors must adhere to a specific condition in
17 order to comply with the certificate.
18

19 Condition 17

20 HPTL recommends that Condition 17 be modified to match Condition 4 in the Staff
21 Report of Investigation associated with the nearby American Electric Power Nottingham-
22 Freebyrd 138 kV Transmission Line in Case No. 15-1756-EL-BLN and to match USFWS
23 guidance, as discussed in Ms. Vovaris' testimony. Specifically, HPTL recommends that
24 Condition 17 be revised to read:

25 17. Work within 660 feet of a bald eagle nest ~~or within the direct line-~~
26 ~~of site of a nest~~ shall not occur from January 15 through July 31. Further,
27 no tree clearing shall occur within 660 feet of a bald eagle nest ~~or within~~
28 ~~any woodlot supporting a nest tree~~ unless coordination with the USFWS
29 reflects a different course of action.

1 Condition 20

2 HPTL recommends that Condition 20 be modified to align with the Board-approved
3 conditions for the Generating Facility. Specifically, HPTL recommends that Condition
4 20 be revised to read:

5 20. General construction activities shall be limited to the hours of 7:00
6 a.m. to 7:00 p.m., or until dusk when sunset occurs after 7:00 p.m. Impact
7 pile driving ~~and, hoe ram operations, and blasting operations,~~ if required,
8 shall be limited to the hours between ~~10:00 a.m. to 5:00 p.m., Monday~~
9 through Friday and blasting operations, if required, shall be limited to the
10 hours between 10:00 a.m. to 5:00 p.m., Monday through Friday.
11 Construction activities that do not involve noise increases above ambient
12 levels at sensitive receptors are permitted outside of daylight hours when
13 necessary. The Applicant shall notify property owners or affected tenants
14 within the meaning of Ohio Adm.Code 4906-5-08(C)(3), of upcoming
15 construction activities including potential for nighttime construction
16 activities.

17 Condition 24

18 HPTL recommends that Condition 24 be modified to allow, if needed, for the
19 underground installation of certain sections of the Transmission Line to mitigate potential
20 aviation impacts. HPTL further recommends that Condition 24 be modified to require
21 that underground installation information be submitted to Staff for review and
22 confirmation that final design will not require a change in certificate conditions or will
23 result in any additional material adverse impacts. Specifically, HPTL recommends that
24 Condition 24 be revised to read:

25 24. The Applicant shall meet all recommended and prescribed Federal
26 Aviation Administration (FAA) and Ohio Department of Transportation
27 (ODOT) Office of Aviation requirements to construct the transmission
28 line. This includes submitting coordinates and heights for all structures
29 that penetrate the notification slope of any public use airport or that exceed
30 199 feet above ground level, and the non-penetration of any FAA Part 77
31 surfaces, for ODOT Office of Aviation and FAA review prior to
32 construction. If Applicant elects to place sections of the transmission line
33 underground as a mitigation measure for aviation hazards, the Applicant

1 shall include such locations and information to Staff with the final
2 engineering design so Staff can confirm that no changes to the certificate
3 conditions are necessary and that the underground installation will not
4 create any additional material adverse impacts.
5

6 Condition 25

7 HPTL recommends that Condition 25 be modified to align with the Board-approved
8 conditions for the Generating Facility. HPTL further recommends that Condition 25 be
9 modified to remove the requirement that FAA construction crane permits be obtained
10 prior to the preconstruction conference. It is typical that crane permits will be obtained
11 throughout the construction process and not prior to the beginning of any construction.
12 Also, the construction contractor will typically obtain these permits. HPTL recommends
13 that Condition 25 be revised to read:

14 25. At least ~~30~~ 10 days prior to the preconstruction conference, the
15 Applicant shall file in this docket a copy of the FAA Determination of No
16 Hazard letters for the electric transmission towers, ~~at the locations as~~
17 ~~shown in the application, and the FAA temporary construction permit for~~
18 ~~any work activity involving construction cranes.~~

19 Condition 26

20 HPTL recommends that Condition 26 be modified to align with the conditions for the
21 Generating Facility, and to ensure compliance with the most recent FAA requirements, as
22 they may be updated from time to time. Specifically, HPTL recommends that Condition
23 26 be revised to read:

24 26. All applicable structures, including construction equipment shall be
25 marked and lit in accordance with FAA circular 70/7460-1L Change 2±,
26 Obstruction Marking and Lighting, or as otherwise prescribed by the FAA. ~~The~~
27 ~~marking and lighting shall be maintained in an operable condition for the life of~~
28 ~~the transmission line.~~
29

1 **Q24: Does this conclude your direct testimony?**

2

3 **A.** Yes, it does. However, I reserve the right to offer testimony in support of any

4 stipulation reached in this case.

CERTIFICATE OF SERVICE

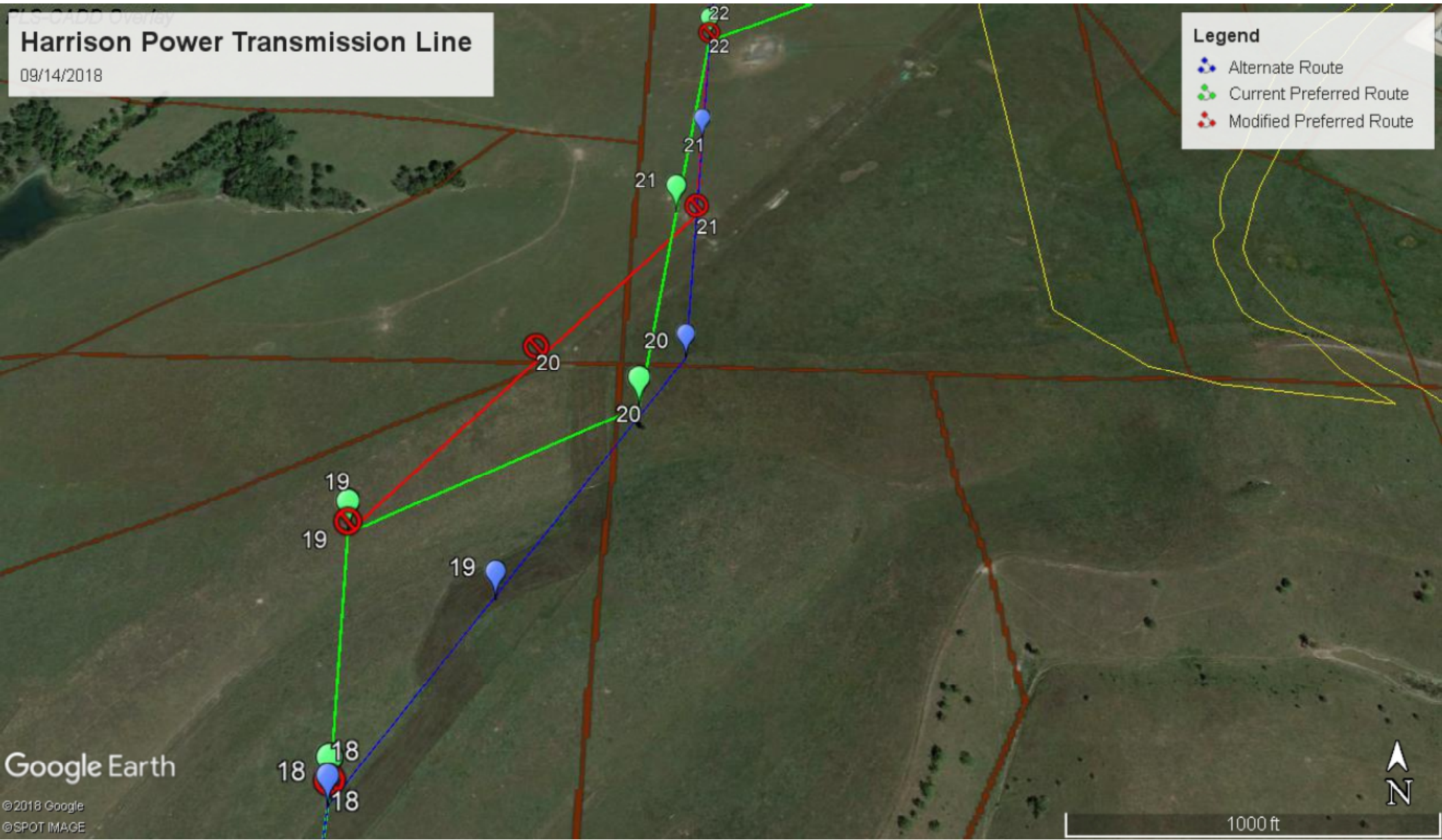
The Ohio Power Siting Board's e-filing system will electronically serve notice of the filing of this document on the parties referenced in the service list of the docket card who have electronically subscribed to this case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served upon the persons below via electronic mail this 14th day of September 2018.

/s/ MacDonald W. Taylor

John Jones
John.jones@ohioattorneygeneral.gov

William J. Taylor
Scott D. Eickelberger
wjt@kincaidlaw.com
scotte@kincaidlaw.com

Attachment A



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Summary: Testimony of Brian Williams for Applicant Harrison Power Transmission, LLC
electronically filed by Mr. MacDonald W Taylor on behalf of Harrison Power Transmission, LLC