

BEFORE THE OHIO POWER SITING BOARD

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In the Matter of the :  
Application of AEP Ohio :  
Transmission Company, :  
Inc., for a Certificate of:  
Environmental : Case No. 18-279-EL-BTX  
Compatibility and Public :  
Need for the Glencoe- :  
Speidel 138 kV :  
Transmission Line Rebuild :  
Project. :

- - -

PROCEEDINGS

before Mr. Daniel Fullin, Attorney Examiner, at the  
Public Utilities Commission of Ohio, 180 East Broad  
Street, Room 11-C, Columbus, Ohio, called at 10:00  
a.m. on Wednesday, December 12, 2018.

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ARMSTRONG & OKEY, INC.  
222 East Town Street, Second Floor  
Columbus, Ohio 43215-5201  
(614) 224-9481 - (800) 223-9481

- - -

APPEARANCES:

American Electric Power Service Corporation  
By Ms. Christen M. Blend  
and Mr. Tanner S. Wolffram  
One Riverside Plaza  
Columbus, Ohio 43215

On behalf of the Applicant.

Mike DeWine, Ohio Attorney General  
By Mr. William Wright,  
Section Chief  
Mr. Werner L. Margard, III,  
Assistant Attorney General  
Public Utilities Section  
30 East Broad Street  
16 Floor  
Columbus, Ohio 43215

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

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AEP Ohio Transco Exhibit	Identified	Admitted
1 Pre-Application Notification Letter Filed on February 22, 2018	7	10
2 Proofs of Notification and Publication Filed March 9 and 12, 2018	7	10
3 Application Filed June 13, 2018, as Supplemented on June 15 and July 20, 2018, and Certified as Completed by the Board Staff on August 13, 2018	7	10
4 Notice of Compliance Filed on September 19, 2018	7	10
5 Proof of Notification and Publication Filed on November 15, 2018	7	10
6 Direct Testimony of Ronald M. Howard, Jr.	7	10

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Staff Exhibit Identified Admitted

1	Staff Report of Investigation		
	Filed on November 14, 2018	10	15

2	Prefiled Testimony of		
	Jonathan Pawley	11	15

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Joint Exhibit Identified Admitted

1	Stipulation and Recommendation	7	10
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1 Wednesday Morning Session,  
2 December 12, 2018.

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4 ALJ FULLIN: The Ohio Power Siting Board  
5 has scheduled for hearing at this time and place Case  
6 No. 18-279-EL-BTX which is the Glencoe-Speidel 138 kV  
7 Transmission Line Project. My name is Daniel Fullin.  
8 I am the Administrative Law Judge assigned to the  
9 case.

10 And we'll begin today's hearing by noting  
11 appearances from both sides starting with the  
12 Company.

13 MR. WOLFFRAM: Thank you, your Honor.  
14 For AEP Ohio Transmission Company, Inc., Tanner S.  
15 Wolffram and Christen M. Blend. Our address is One  
16 Riverside Plaza, Columbus, Ohio, 29th Floor, 43215.  
17 Also with the company today is Ronald M. Howard, Jr.,  
18 he is the witness sponsoring the Stipulation and  
19 Recommendation in this case, and Jacqueline M. Rich  
20 who is observing the hearing this morning.

21 ALJ FULLIN: Okay. Thank you. And could  
22 you give me your last name again.

23 MR. WOLFFRAM: It's Wolffram,  
24 W-O-L-F-F-R-A-M.

25 ALJ FULLIN: Okay. Thank you.

1 MR. WOLFFRAM: Thank you.

2 ALJ FULLIN: Thank you. And appearance  
3 on behalf of the Staff.

4 MR. MARGARD: Thank you, your Honor. On  
5 behalf of the Staff of the Power Siting Board, Mike  
6 DeWine, Ohio Attorney General, William Wright,  
7 Section Chief of the Public Utilities Section, by  
8 Assistant Attorney General Werner L. Margard, 30 East  
9 Broad Street, 16th Floor, Columbus, Ohio.

10 ALJ FULLIN: Okay. Thank you. And  
11 before we proceed does anyone have anything in terms  
12 of preliminary remarks or something besides just  
13 going on the record and putting on the testimony?

14 One reason I am asking I understand there  
15 is a member of the public that wants to put something  
16 on the record. So how would we want to go about  
17 doing that? Is there any objection to that?

18 MR. MARGARD: No objection, your Honor,  
19 and I think perhaps just to help our public member to  
20 be a little more at ease we might proceed, have the  
21 company go forward, or Staff present the Staff Report  
22 and have the Company present their witnesses.

23 ALJ FULLIN: Then bring him in.

24 MR. MARGARD: Then afford him an  
25 opportunity to speak.

1 ALJ FULLIN: Okay. If that's the case,  
2 then if there aren't any other preliminary matters, I  
3 will let the company go forward with the presentation  
4 of their case.

5 MR. WOLFFRAM: Thank you, your Honor.  
6 Before we call Ron M. Howard, Jr., who is the witness  
7 sponsoring the Stipulation and Recommendation in this  
8 case, I would like to mark certain exhibits before  
9 moving forward, if we could. The binder is in front  
10 of you on the Bench.

11 AEP Ohio Transco Exhibit No. 1 is the  
12 pre-application notification letter filed on  
13 February 22, 2018. AEP Ohio Transco Exhibit No. 2 is  
14 proofs of notification and publication filed March 9  
15 and 12, 2018. AEP Ohio Transco Exhibit No. 3 is the  
16 Application filed June 13, 2018, as supplemented on  
17 June 15 and July 20, 2018, and certified as completed  
18 by the Board Staff on August 13. AEP Ohio Transco  
19 Exhibit No. 4 is the Notice of Compliance filed on  
20 September 19, 2018. AEP Ohio Transco Exhibit No. 5  
21 is Proof of Notification and Publication filed on  
22 November 15, 2018. AEP Ohio Transco Exhibit No. 6 is  
23 the Direct Testimony of Ronald M. Howard, Jr. And  
24 Joint Exhibit No. 1 is the Stipulation and  
25 Recommendation.

1 ALJ FULLIN: All right. Thank you.  
 2 Those will all be marked for the record the same as  
 3 they are marked on my copy of the binder that  
 4 contains all of those exhibits.

5 (EXHIBITS MARKED FOR IDENTIFICATION.)

6 MR. WOLFFRAM: Thank you, your Honor.

7 ALJ FULLIN: Thank you.

8 MR. WOLFFRAM: At this time the Company  
 9 would like to call Ronald M. Howard, Jr.

10 ALJ FULLIN: You can remain where you are  
 11 to testify, but I'll swear you in.

12 - - -

13 RONALD M. HOWARD, JR.

14 being first duly sworn, as prescribed by law, was  
 15 examined and testified as follows:

16 DIRECT EXAMINATION

17 By Mr. Wolffram:

18 Q. Mr. Howard, could you please state your  
 19 name, spell your name for the record, and state your  
 20 business address.

21 A. Sure. Ronald M. Howard Jr., H-O-W-A-R-D.  
 22 I work for AEP Ohio Transmission Company, 700  
 23 Morrison Road, Gahanna, Ohio.

24 MR. WOLFFRAM: Your Honor, may I approach  
 25 the stand?



1                   ALJ FULLIN: Yes. Maybe it would have  
2 been easier to come up to the front but whatever,  
3 whatever works.

4                   Q. Mr. Howard, do you have before you what's  
5 been previously marked AEP Ohio Transco Exhibit 6?

6                   A. Yes, I do.

7                   Q. Can you identify that exhibit for the  
8 Board.

9                   A. Sure. It is the Direct Exam of Ronald M.  
10 Howard, Jr., on behalf of AEP Ohio Transmission  
11 Company, Incorporated, in support of the Stipulation  
12 and Recommendation.

13                  Q. And was that testimony prepared by you or  
14 under your supervision?

15                  A. Yes, it was.

16                  Q. Do you have any changes or corrections to  
17 be made to that testimony at this time?

18                  A. No, I do not.

19                  Q. Do you also have what's been previously  
20 marked Joint Exhibit 1 in front of you?

21                  A. Yes, I do.

22                  Q. And do you know what that document is?

23                  A. It is the Stipulation and Recommendation  
24 document.

25                  Q. And has that document also been attached

1 to your testimony as RMH Exhibit -- RMH-Exhibit 1?

2 A. Yes, it has.

3 MR. WOLFFRAM: Your Honor, at this time  
4 the witness is tendered for cross-examination, and I  
5 would move for the admission of AEP Ohio Transco  
6 Exhibits 1 through 6 and Joint Exhibit No. 1.

7 ALJ FULLIN: All right. Any  
8 cross-examination?

9 MR. MARGARD: I have none. Thank you,  
10 your Honor.

11 ALJ FULLIN: I have none either, and I  
12 will -- if there is no objection, I will admit all of  
13 the Company's Exhibits 1 through 6 plus the Joint  
14 Exhibit at this time.

15 MR. MARGARD: No objection, your Honor.

16 ALJ FULLIN: Anything further from the  
17 Company?

18 MR. WOLFFRAM: No, your Honor.

19 (EXHIBITS ADMITTED INTO EVIDENCE.)

20 ALJ FULLIN: All right. Thank you.

21 And, Mr. Margard, you can begin on behalf  
22 of the Staff.

23 MR. MARGARD: Thank you, your Honor. And  
24 as a preliminary matter, I would mark for purposes of  
25 identification Staff Exhibit No. 1, the Staff Report

of Investigation dated November 14, 2018, filed in the docket in this record, and Staff Exhibit No. 2, Prefiled Testimony of Jonathan Pawley dated December 5, 2018, also filed in the docket of this record.

ALJ FULLIN: Those will be so marked.

(EXHIBITS MARKED FOR IDENTIFICATION.)

ALJ FULLIN: And I see that they are included in my copy of the binder so that's -- actually when I go to write the order, that's what I am going to be relying on and referring to so if there is any correction needed, let me know because that's what I'll be looking at.

MR. MARGARD: We'll get to that forthwith. Thank you, your Honor.

ALJ FULLIN: Thank you.

MR. MARGARD: I would call Mr. Pawley, please, your Honor.

(Witness sworn.)

ALJ FULLIN: Thank you.

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JON PAWLEY

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

DIRECT EXAMINATION

By Mr. Margard:

Q. And, sir, please state your name and by  
whom you are employed, please.

A. My name is Jon, J-O-N, Pawley,  
P-A-W-L-E-Y. I am a utility specialist 3 at the  
Public Utilities Commission of Ohio, address 180 East  
Broad Street, Columbus, Ohio 43215.

Q. And do you have before you what's been  
marked as Staff Exhibit No. 2?

A. I do.

Q. And can you identify that for me, please.

A. Staff Exhibit 2 is my prefiled testimony  
filed in the docket on December 5, 2018.

Q. Was this prepared by you or at your  
direction?

A. Yes.

Q. And do you have changes, corrections,  
additions of any kind to that document today as you  
testify?

A. No.

Q. And if I were to ask you the questions

1 contained in that document, would your responses be  
2 the same?

3 A. Yes.

4 Q. And in your opinion would those responses  
5 be truthful and reasonable?

6 A. Yes.

7 Q. Mr. Pawley, you are the project lead on  
8 this case; is that correct?

9 A. That is correct.

10 Q. And you oversaw the preparation of the  
11 Staff Report of Investigation in this case; is that  
12 correct?

13 A. That is correct.

14 Q. And do you have before you what's been  
15 marked as Staff Exhibit No. 1?

16 A. I do.

17 Q. And can you identify that document for  
18 me, please.

19 A. That is the Staff Report of Investigation  
20 filed in this docket on November 14, 2018.

21 Q. And have you reviewed that document prior  
22 to your testimony today?

23 A. I have.

24 Q. And do you have any corrections, changes,  
25 or modifications to that document?

1           A.    I do not.

2           Q.    You also indicate in your testimony that  
3   you also support what's been marked as Joint Exhibit  
4   No. 1, the Joint Stipulation in this case; is that  
5   correct?

6           A.    That is correct.

7           Q.    And have you had an opportunity to review  
8   the testimony of Company Witness Ronald Howard in  
9   this proceeding?

10          A.    I have.

11          Q.    And do you agree with his explanations of  
12   why the Stipulation meets the Commission's  
13   traditional three-part test for the approval of  
14   stipulations?

15          A.    I do agree.

16          Q.    Finally, Mr. Pawley, you indicate in your  
17   testimony that you reserve the right to supplement  
18   your prefiled testimony. Is there any need to do so  
19   at this time?

20          A.    No.

21                MR. MARGARD: I have no further questions  
22   and tender the witness for cross-examination, your  
23   Honor.

24                ALJ FULLIN: All right. Any  
25   cross-examination of Mr. Pawley?

1 MR. WOLFFRAM: No, your Honor.

2 ALJ FULLIN: All right. Thank you. I  
3 have no questions either. Thank you for your  
4 testimony.

5 MR. MARGARD: Your Honor, I would move  
6 the admission of Staff Exhibits 1 and 2.

7 ALJ FULLIN: If there's no objection,  
8 I'll admit them into the record at this time.

9 MR. WOLFFRAM: No objection, your Honor.

10 (EXHIBITS ADMITTED INTO EVIDENCE.)

11 MR. MARGARD: I think it's probably  
12 appropriate to invite our public witness to express  
13 whatever concerns he may have at this point.

14 ALJ FULLIN: Okay. Then what I would  
15 like for you to do if you want this to be considered  
16 as testimony in the case, then I'll swear you in as a  
17 witness. If you are just making an unsworn statement  
18 for the record, you can do that, but it might be a  
19 good idea to be sworn in. And when you do get sworn  
20 in, I will have you identify yourself for the record,  
21 and then you can give whatever statement you would  
22 like.

23 MR. MITCHELL: Okay.

24 ALJ FULLIN: Would you like to be sworn  
25 in?

1 MR. MITCHELL: Fine.

2 (Witness sworn.)

3 ALJ FULLIN: Thank you. You can remain  
4 where you are.

5 - - -

6 WILSON SECREST MITCHELL  
7 being first duly sworn, as prescribed by law, was  
8 examined and testified as follows:

9 DIRECT EXAMINATION

10 ALJ FULLIN: And, again, if you would  
11 begin by identifying yourself for the record.

12 THE WITNESS: Wilson Secrest Mitchell.  
13 Do you need it spelled? S-E-C-R-E-S-T. I live in  
14 Arlington, and I own property in Belmont County which  
15 is on the right-of-way that's being discussed.

16 ALJ FULLIN: Okay. So you live in Upper  
17 Arlington, Ohio, but you have property in the area  
18 that's affected.

19 THE WITNESS: Yes.

20 ALJ FULLIN: Okay.

21 THE WITNESS: The project description in  
22 the document you guys described in the second  
23 paragraph, project description talks about that a  
24 50-feet right-of-way adjacent to the residence would  
25 be included. I don't have any residences that are



involved with this on my property in Belmont County, but I do have a lot of wood tree lots. The wood tree lots were started to plant in the 1950s, and they recognize the existing right-of-way which is 50 feet and have not had any problems in all these years that I'm aware of on that line.

The expansion of this line will affect a lot of these wood lots, increased expense. We have wood lots that have been -- are 50 years old, and I go in and we thin the trees. We clean the area up. We've marketed and sold trees in the past out of this area, not in the right-of-way, in our own area, and would like to be able to continue doing that.

Some of the trees are new; like they are no more than 10 feet tall. They'll be growing, but they are out of the right-of-way. If we expand the right-of-way -- so since the 50 foot is allowed in Bethesda and new poles are higher and I think that I could be -- I would like to see that statement project description changed to reflect that the engineer could actually look at seeing does that make sense along my property line. There's two properties involved, two parcels involved.

That's about it, you know, the white pine which is the -- one of the large wood lots is -- the

1 trees are mature. They are growing thicker. They've  
2 represented no danger to any of the lines. We've had  
3 oak trees going down through it. Instead of putting  
4 the big 100 foot I am just saying on this property to  
5 be able to maintain my business and my recreational,  
6 I would like to be able to see that just go back to  
7 the 50 line as it is.

8 ALJ FULLIN: All right. You said there's  
9 two properties so there's two wooded lots is what we  
10 are talking about?

11 THE WITNESS: There's two parcels that  
12 are directly involved with this plan. One is called  
13 Buckeye Bow Acres. I am a 50 percent of that one and  
14 speak for it, and the one that's called the Mitchell  
15 property, I own it. The trees -- the number of lots  
16 involved vary by age. Like the one, the pine trees I  
17 was just talking about, those are actually planted in  
18 the late 1950s. There's another lot that's been  
19 planted in 1950s that's further down. There's two  
20 lots of oak trees that we planted and some fruit  
21 trees and stuff on the other end.

22 So there's a series of lots. I would  
23 think there is about six or seven types of lots going  
24 down there. Nothing is in the right-of-way. Yeah,  
25 nothing is the right-of-way.

1 ALJ FULLIN: Nothing is in the existing  
2 right-of-way?

3 THE WITNESS: Existing right-of-way.

4 ALJ FULLIN: Is some in what would be the  
5 proposed right-of-way?

6 THE WITNESS: The expanded right-of-way  
7 would go in and start taking out trees in areas that  
8 we've taken -- probably take out some of the existing  
9 large trees. There's some natural woods that are  
10 along the pathway that we've thinned but aren't  
11 really maintaining. The pine trees we really  
12 maintain that as a going in. We would like to be  
13 able to do the others. We bought that property a  
14 couple years ago, several years ago.

15 ALJ FULLIN: So --

16 THE WITNESS: All I'm saying is if 50  
17 foot would run through Bethesda, 50 foot run through  
18 the existing right-of-way today, I'm just saying for  
19 the project description I would like to be able to  
20 have my property looked at as a possibility of  
21 maintaining the existing right-of-way.

22 ALJ FULLIN: Yeah. So what you're asking  
23 or suggesting or would like to see is that as it  
24 affects the properties that you're describing that  
25 you have all or partial ownership in, you would like

1 to see the existing 50 feet right-of-way remain as  
2 the only right-of-way and not be expanded 100 feet --

3 THE WITNESS: Exactly.

4 ALJ FULLIN: -- as it affects your  
5 properties.

6 THE WITNESS: Right.

7 ALJ FULLIN: All right. I will allow  
8 additional questioning I guess first by Staff if they  
9 have any questions.

10 MR. MARGARD: I have no questions for the  
11 witness. Thank you, your Honor.

12 ALJ FULLIN: If the Company would like in  
13 any way to address what's been testified to here  
14 including any questions that you have or any  
15 statements that you would like to make in reference  
16 to it, I would like to give you the floor to do so.

17 MR. WOLFFRAM: Thank you, your Honor. We  
18 just have a couple follow-up questions just to  
19 clarify.

20 - - -

21 CROSS-EXAMINATION

22 By Mr. Wolffram:

23 Q. You are not opposing the actual  
24 construction of the line. You just want the property  
25 to be looked at.

1           A.    No, no.  We have a line there today, and  
2   it causes us no problem.

3           Q.    So you are just concerned about the  
4   actual width of the right-of-way.

5           A.    That's right, because it will take my  
6   wood lots out.

7           MR. WOLFFRAM:  Thank you.  That's the  
8   only questions we have, your Honor.  Thank you.

9           ALJ FULLIN:  I guess I'm just concerned  
10   when we go to address this on -- in the order, is it  
11   pretty clear to all the parties?  Explain it to me  
12   where these lots are and what part of the project  
13   description we're talking about if we need to modify  
14   that in any way.  And if so, would there be a  
15   proposal to do that in the way that's being  
16   suggested?  We could go off the record and have a  
17   discussion, if you would like.

18          MS. BLEND:  I think that would be  
19   helpful, your Honor.

20          ALJ FULLIN:  Whatever we decide to talk  
21   about it.  Let's do that.  Let's go off the record.

22                 (Discussion off the record.)

23          ALJ FULLIN:  Back on the record.

24          MS. BLEND:  Thank you, your Honor.  To  
25   reflect the discussion that the Company and counsel

1 for Staff and Staff just had off the record with  
 2 Mr. Mitchell, with respect to Mr. Mitchell's concern  
 3 or suggestion that the Company evaluate whether a  
 4 50-foot right-of-way is feasible and appropriate on  
 5 the parcels that he owns or has an interest in that  
 6 are on this project, the Company agrees to commit to  
 7 work with Mr. Mitchell to evaluate whether the  
 8 Company can take a narrower than 100-foot  
 9 right-of-way on his parcels, and the Company also  
 10 agrees to work with Mr. Mitchell and is happy to do  
 11 so to evaluate the -- an old schoolhouse structure  
 12 that Mr. Mitchell identified may be or is in the plan  
 13 right-of-way of the line.

14 ALJ FULLIN: Okay. Did you have anything  
 15 to add to what she's described that you want to make  
 16 sure was on the record? Were you satisfied with what  
 17 she's described.

18 THE WITNESS: I'm satisfied.

19 ALJ FULLIN: Okay. Thank you very much  
 20 for that description of what happened off the record  
 21 and we'll -- I think at this point then I don't  
 22 remember if the Staff still has the floor. Did you  
 23 rest?

24 MR. MARGARD: If I had not, I do so now.

25 ALJ FULLIN: Okay. So I think both

1 parties have rested. Is there anything else that  
2 needs to come before the Board's attention before I  
3 bring this hearing to a close?

4 Seeing no hands raised or anything, we'll  
5 bring this hearing to a close. Thank you, everyone.

6 (Thereupon, at 10:24 a.m., the hearing  
7 was closed.)

8 - - -

9 CERTIFICATE

10 I do hereby certify that the foregoing is  
11 a true and correct transcript of the proceedings  
12 taken by me in this matter on Wednesday, December 12,  
13 2018, and carefully compared with my original  
14 stenographic notes.

15  
16 

17 Karen Sue Gibson, Registered  
18 Merit Reporter.

19 (KSG-6665)

20 - - -



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

**Commission of Ohio Docketing Information System on**

**12/27/2018 10:28:51 AM**

**in**

**Case No(s). 18-0279-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 Glencoe-Speidel 138 kV Transmission Line Rebuild Project, hearing held on December 12th, 2018 electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.