

BEFORE THE OHIO POWER SITING BOARD

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In the Matter of the :
Application of The Dayton :
Power and Light Company :
for a Certificate of : Case No. 18-1259-EL-BTX
Environmental Compatibility :
and Public Need for the :
West Milton to Eldean :
138 kV Transmission Line :
Project. :

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PROCEEDINGS

before Ms. Anna Sanyal, Administrative Law Judge, at
Hobart Arena, Bravo Room, 255 Adams Street, Troy,
Ohio, called at 6:03 p.m. on Tuesday, September 17,
2019.

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APPEARANCES:

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Chief Regulatory Counsel
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Dayton, Ohio 45432

On behalf of The Dayton Power & Light
Company.

Barrett Easterday Cunningham & Eselgroth LLP
By Mr. Larry R. Gearhardt
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On behalf of Mrs. Jane Staver.

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1 Tuesday Evening Session,
2 September 17, 2019.

3 - - -

4 ALJ SANYAL: Good evening, everyone. The
5 Ohio Power Siting Board has scheduled for public
6 hearing at this time and place, Case No.
7 18-1259-EL-BTX, which is captioned In the Matter of
8 the Application of Dayton Power and Light Company for
9 a Certificate of Environmental Capability and Public
10 Need for the West Milton to Eldean 138-kilovolt
11 Transmission Line Project.

12 My name is Anna Sanyal, and I am the
13 Administrative Law Judge assigned to hear this case
14 on behalf of the Board.

15 I have with me, from the Power Siting
16 Board, Grant Zeto, Anna Perry, and Matt Sandor.

17 If you have questions about the
18 Application in this case, as I mentioned previously
19 before we went on the record, DP&L's representatives
20 are available to answer your questions about this
21 proposed project.

22 The adjudicatory hearing portion of this
23 proceeding is scheduled for October 1, 2019, at the
24 Board's offices in Columbus, Ohio. At the
25 evidentiary hearing, Staff and DP&L will offer the

1 testimony of their witnesses, present evidence, and
2 cross-examine the witnesses of the other party.

3 In this case, DP&L seeks a Certificate of
4 Environmental Capability and Public Need to construct
5 a new, 17-mile, 138-kilovolt transmission line from
6 the existing West Milton substation to the existing
7 Eldean substation located northwest of Troy, Ohio.

8 DP&L indicates that the purpose of this
9 project is to allow for adequate transmission system
10 voltages to be maintained in the northwest area of
11 the DP&L transmission system under various outage
12 conditions as required under the North American
13 Electric Reliability Corporation, which we also call
14 "NERC," reliability standards.

15 DP&L states that it is a member of PJM
16 Interconnection, also known as "PJM," a regional
17 transmission organization, which coordinates the
18 movement of wholesale power in all or parts of 13
19 states, including Ohio.

20 According to DP&L, PJM conducts a
21 Regional Transmission Expansion Planning process
22 annually to document that its transmission footprint,
23 including the DP&L system, is in compliance with the
24 mandatory NERC reliability standards.

25 As a result of the 2010 PJM RTEP planning

1 process, DP&L discovered that, under the multiple
2 contingencies of DP&L's Shelby-Sidney 138-kilovolt
3 circuit and DP&L's Miami-Eldean 138-kilovolt circuit,
4 voltages would be below the minimum acceptable level
5 per NERC reliability criteria at multiple
6 transmission buses. This contingency scenario would
7 effectively leave the northwest area of the DP&L
8 transmission system without a 138-kilovolt source.
9 The proposed new 138-kilovolt circuit will mitigate
10 this situation and DP&L to comply with the mandatory
11 NERC reliability standards.

12 As I mentioned before we went on the
13 record today, the purpose of today's public hearing
14 is limited to receiving comments from you, the
15 public, specific to DP&L's proposed 138-kilovolt
16 transmission line. We emphasize this is your
17 opportunity to let the Board know how you would be
18 affected if the proposed project is constructed and
19 your opinion about DP&L's Application.

20 Any questions you have about the project,
21 DP&L's Application, or the Board process should be
22 addressed to DP&L's representatives or me or my
23 fellow friends from the OPSB Staff prior to offering
24 your testimony. And as I discussed, we can also stay
25 later, after you offer testimony, to discuss those

1 questions.

2 The hearing is being transcribed by a
3 court reporter, so please verbalize all of your
4 responses and speak clearly and loudly so that she
5 can accurately reflect your testimony.

6 Also, if you have prepared a written
7 statement, it would be helpful if you provide a copy
8 to the court reporter for reference to ensure the
9 transcript is accurate. Any attachments to your
10 testimony will be marked as public hearing exhibits.

11 When you arrived, you were offered the
12 opportunity to sign up to testify. Witnesses will be
13 called forward in the order listed on the sign-in
14 sheet. When your name is called, if you decide that
15 you do not want to testify, you can pass and we will
16 move on to the next witness.

17 Before you present your testimony, I will
18 ask you to take an oath that the testimony you are
19 about to give is the truth based on your personal
20 knowledge. You will also be asked to state and spell
21 your name and provide your address for the record.

22 Your testimony will be considered part of
23 the record in this case and will be available to be
24 reviewed by the Board in consideration of its
25 decision on DP&L's Application.

1 Additionally, counsel for DP&L and I may
2 ask you questions about your testimony after you
3 present it.

4 I know we had some questions, off the
5 record, about the hearing process today, but at this
6 point are there any questions?

7 FROM THE AUDIENCE: My question is, when
8 will we know what route you're going to take?

9 ALJ SANYAL: So, again, that would be a
10 question you would ask the Company after the public
11 hearing process. But, if you feel that you do not
12 have adequate information, you're welcome to come up
13 and testify as to that so we can get that
14 transcribed.

15 Are there any other questions?

16 Okay. Seeing none, then we will get
17 started.

18 Right now, I would like to take
19 appearances for any counsel. I know we have counsel
20 for DP&L.

21 MR. GRIFFIN: Yes. I'm Randall V.
22 Griffin. I'm inside counsel for Dayton Power and
23 Light Company. I've given my contact information to
24 the court reporter.

25 As I previously mentioned, I've brought

1 with me tonight some other members of DP&L staff who
2 will be available, after the hearing, to answer some
3 questions. I've also brought with me a media liaison
4 if anyone from the media is here. And I've brought
5 with me a customer service rep, just in case people
6 are here that have questions, not about this proposed
7 transmission line but, rather, about their bill or
8 their service in general.

9 ALJ SANYAL: Thank you, Mr. Griffin.

10 Are there any other parties or counsel
11 that wish to make an appearance?

12 Okay. Seeing none -- oh.

13 MR. GEARHARDT: I'll be making an
14 appearance on behalf of Mrs. Jane Staver this
15 evening. My name is Larry Gearhardt.

16 ALJ SANYAL: Okay. And you're on this
17 list to testify?

18 MR. GEARHARDT: Yes.

19 ALJ SANYAL: Okay. I will be calling the
20 witnesses from the sign-in sheet as you've signed in,
21 so the first person I have is John Hoover, and I'll
22 be transferring the mic up here.

23 Hello, Mr. Hoover. If you'll raise
24 your right hand.

25 (Witness sworn.)

1 ALJ SANYAL: And if you will state your
2 address for the record.

3 MR. HOOVER: Okay. 2810 South State
4 Route 48, Ludlow Falls, Ohio.

5 ALJ SANYAL: Okay. And you may go ahead
6 with your statement whenever you're ready.

7 - - -

8 JOHN HOOVER
9 presented himself as a public witness, and being
10 first duly sworn, testified as follows:

11 DIRECT TESTIMONY

12 MR. HOOVER: My farm, up at Ludlow Falls,
13 has the old, the existing high-voltage line running
14 through it from north to south and the new is
15 proposed to follow that same easement or line and
16 make a turn on my farm to go over to State Route 55.

17 My concern is whether there would be two
18 separate sets of poles running these two separate
19 high-voltage lines or would it be just one pole and
20 both lines on it. I want it to be known that I
21 definitely prefer that we use a common pole for both
22 lines. That's my concern.

23 ALJ SANYAL: Thank you, Mr. Hoover. And
24 just as I may have some follow-up questions during
25 this process. Have you read the Staff Report that

1 was issued in this case?

2 MR. HOOVER: Staff Report? No.

3 ALJ SANYAL: So the Power Siting Staff
4 has reviewed the Application provided by DP&L and
5 they have issued a Staff Report.

6 MR. HOOVER: No, I have not read it.

7 ALJ SANYAL: Okay. So some of your
8 concerns may be addressed.

9 MR. HOOVER: They may be.

10 ALJ SANYAL: Right. And then if you have
11 additional questions, please stay behind today to get
12 those answered.

13 MR. HOOVER: Thank you.

14 ALJ SANYAL: Does that conclude your
15 testimony?

16 MR. HOOVER: Yes, it does.

17 ALJ SANYAL: Thank you, Mr. Hoover.

18 Okay. I have Ed Conley next.

19 If you'll raise your right hand.

20 (Witness sworn.)

21 ALJ SANYAL: Then if you'll state your
22 full name and your address.

23 MR. CONLEY: Yeah. I'm Ed Conley.

24 That's E-d, Conley, C-o-n-l-e-y. My address is 6555
25 State Route 55.

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ED CONLEY

presented himself as a public witness, and being
first duly sworn, testified as follows:

DIRECT TESTIMONY

MR. CONLEY: A couple of questions: One,
is the person who or the group who designed this
route here today?

ALJ SANYAL: So again --

MR. CONLEY: Okay.

ALJ SANYAL: -- this is not meant to be a
Question and Answer --

MR. CONLEY: The concern I have --

ALJ SANYAL: -- Session.

MR. CONLEY: -- is this: Calumet is a
road that runs in a westerly direction from 55. When
Troy brought their water main --

ALJ SANYAL: Mr. Conley, our court
reporter may have a little trouble getting your
comments.

MR. CONLEY: I thought you can hear me
through this.

ALJ SANYAL: Pull it up.

MR. CONLEY: Okay.

ALJ SANYAL: Yeah.

1 MR. CONLEY: When Troy came through with
2 their water main a few years ago, they came through
3 Calumet. To get to West Milton, that's literally
4 half the distance as to go to 55 like this Preferred
5 Route that you've got delineated on this map and I
6 don't see where anyone has made a suggestion to
7 consider Calumet.

8 Now, on 55, the little section that I
9 live between Stillwater River and 48, on the north
10 side of the road there's 12 property owners. Of the
11 12 property owners, 10 live in their properties, the
12 other two are farms with no house on it. So the
13 people who live there, the 10, are going to be
14 affected by this power line. The two that aren't
15 there, I've talked to one of them and he has no
16 concern either way because he's not affected by the
17 power line in that he's not in and out of his
18 property every day like I am.

19 But Calumet has four property owners on
20 the south side of the road where the main line for
21 the water from Troy came and, of those four property
22 owners, only two live on the property.

23 So I don't know if DP&L has an unlimited
24 budget, but given this map, their proposed map is
25 twice the distance and you're going to go through

1 that farmer's land again by taking this proposed or
2 Preferred Route. Whereas, if you went Calumet, you
3 would go half the distance and only affect a third of
4 the property owners.

5 All these 10 property owners on the north
6 side of 55 are going to have to be dealt with
7 financially. Whereas, on the south side of Calumet,
8 you're only dealing with two property owners that are
9 there and two that are absentee. So I'd like to put
10 that on the record that it seems to me that Calumet
11 would be a less-expensive alternative for this power
12 line and not 55.

13 The other issues are, again, the power
14 line in front of the house is unsightly and it
15 eliminates property values, eliminates property use,
16 and so on my testimony I'm certainly against a power
17 line in front of my house. I think Calumet would not
18 only eliminate that concern I have, but save DP&L
19 time and materials anyway, not including what it
20 costs to deal with the property owners.

21 That's it. Thanks

22 ALJ SANYAL: Thank you.

23 Next I have Duke Klepinger.

24 Hello, Mr. Klepinger. Will you raise
25 your right hand, please.

1 Do you solemnly swear or affirm that the
2 testimony you're about to provide is the whole truth?

3 MR. KLEPINGER: Yes. Do you?

4 ALJ SANYAL: Well, I'm not testifying
5 today, so.

6 MR. KLEPINGER: Okay.

7 ALJ SANYAL: Go ahead whenever you're
8 ready.

9 - - -

10 DUKE KLEPINGER
11 presented himself as a public witness, and being
12 first duly sworn, testified as follows:

13 DIRECT TESTIMONY

14 MR. KLEPINGER: I own the property
15 immediately adjacent to the west -- to the east side
16 of the West Milton substation, and from the previous
17 meeting I submitted six questions to which I don't
18 have answers to, so it makes it hard to ask
19 intelligent questions. And with the construction of
20 anything, as they say, the devil is in the details,
21 and if you don't have the details, you don't know
22 what's really going on.

23 Just as many of these people, they don't
24 know if they're affected or not. You're asking them
25 to do something and they don't know if they're

1 affected or not, so I think your procedure is in
2 error.

3 The -- on your information that you
4 provided like at libraries, assuming they give me
5 everything that was available, all there was was a
6 three-ring binder in which about half of looked like
7 environmental and soil study which didn't appear to
8 be very accurate.

9 The -- on their Figure 8.2, which
10 contains the West Milton substation, there's a spring
11 that's buried in the middle of the substation which
12 pipes water onto my property which isn't even shown.

13 And then also in there, what they call
14 their 2,000-foot corridor, there's another spring on
15 the east side of my property which fills lakes
16 further east that's not shown. I don't know if that
17 has any bearing on anything, but it's just -- I would
18 call those major errors.

19 Also I believe it's on that same drawing,
20 they show an access road to do the project closest to
21 the West Milton substation. The drawing is so vague
22 you can't really tell where it is, but it appears to
23 be on the north end of what they call the "F
24 Wetlands." Well, you cannot access the substation
25 from the north side of the F Wetlands because at

1 times the water is 4-foot deep and 50-yards wide.

2 They also talk about a proposed laydown
3 area where they don't tell you where, when, anything,
4 but I would assume, being that they have about
5 5 acres of property immediately to the north of the
6 substation, they would want to make that a laydown
7 area but there's no indication of how to get there.

8 With that, that's typically the first
9 thing you put in and the last thing you remove. I
10 already have erosion and water runoff problems from
11 the existing substation which have not been
12 addressed, so if you increase that and put a laydown
13 area for three years, there's going to be more. It's
14 not undoable if you do it correctly, but there's
15 no -- I have no details, so.

16 Also I've got conflicting statements on
17 whether the substation size is going to be increased.
18 Some documents say yes; some say no. So, again, we
19 don't really know what's going on.

20 For myself, I've never heard anything
21 talked about the actual substation, due to the extra
22 load and equipment, what noise is going to be
23 generated being that I live immediately -- well, I
24 don't live but my property is immediately to the east
25 side of it. I've already noticed some increase at

1 times, but I don't know. Nobody -- they're very
2 aloof to try to get answers from.

3 On the design that they're considering,
4 the wood poles for the bulk of the project, it
5 appeared to me that those require guide wires and,
6 for those, much of this goes through farm ground and
7 along road right-of-ways.

8 With those guide wires, you have -- I
9 mean I realize the wood poles may be more
10 cost-efficient immediately, but you have years of it
11 affecting the farmers that it goes through their
12 ground and trying to work around them things, the
13 safety issues of catching that big equipment on those
14 guide wires, road traffic hitting them, but there
15 again, with no details, I don't know how close those
16 poles are to the road. Within the right-of-way that
17 could be 15 feet, it could be 15 yards, 150 feet, you
18 don't know.

19 I think that's -- if I get half answered,
20 I'll be lucky

21 ALJ SANYAL: Okay. I have some -- I have
22 a quick question. So how many times have you tried
23 to contact the Company?

24 MR. KLEPINGER: The --

25 ALJ SANYAL: DP&L.

1 MR. KLEPINGER: -- Company?

2 ALJ SANYAL: Yeah.

3 MR. KLEPINGER: I have met with a
4 representative of the Company and they took
5 information and -- but I don't know what's going on.

6 ALJ SANYAL: Okay. When did you contact
7 them? So how long have you been waiting for answers?

8 MR. KLEPINGER: Well, we met mid January.

9 ALJ SANYAL: Okay.

10 MR. KLEPINGER: I don't remember the
11 exact date.

12 ALJ SANYAL: Okay. So you've been
13 waiting about six months?

14 MR. KLEPINGER: Yeah.

15 ALJ SANYAL: Okay.

16 MR. KLEPINGER: When is not important in
17 comparison to when the project starts. You said the
18 decision has not been made. Do you mean the decision
19 to proceed with the project or the decision of the
20 route?

21 ALJ SANYAL: Well, again, not intended to
22 be a Question and Answer Session, but just for the
23 record I would like to say, so once -- so we have a
24 public hearing and then we will have an evidentiary
25 hearing where DP&L will provide their witnesses and

1 Staff will have their witnesses and then all of that
2 gets transcribed, and then the Board, the Ohio Power
3 Siting Board, makes the ultimate decision on whether
4 this project will be approved or not.

5 MR. KLEPINGER: I don't really care, I
6 just, you know, again, I'd like an answer rather
7 than --

8 ALJ SANYAL: Sure.

9 MR. KLEPINGER: -- the double-dog. All
10 these people don't want to go to Columbus, I'm sure.

11 ALJ SANYAL: Okay. Are there any other
12 things you would like to put on the record?

13 MR. KLEPINGER: We got the big ones.
14 We'll take care of them first.

15 ALJ SANYAL: Okay. Well, thank you.

16 MR. KLEPINGER: All right. Thank you.

17 ALJ SANYAL: Okay. I have David Zelnick
18 next.

19 MR. ZELNICK: Can I bring my partner of
20 67 years along with me?

21 ALJ SANYAL: Could we do it separately?
22 Would that be okay? Because just for testimony
23 purposes, I have to swear you in separately.

24 MRS. ZELNICK: May I point out that I was
25 in the back of the room a minute ago. The people

1 sitting there can hear nothing at all. Can the
2 microphone be turned up?

3 ALJ SANYAL: Sure. Or you can speak
4 closer to the microphone.

5 FROM THE AUDIENCE: Can they not have
6 their backs to us? Like a sideways thing or --

7 ALJ SANYAL: We can do a sideways thing
8 and have people speak more into the microphone, sure.

9 Let's go off the record.

10 (Off the record.)

11 ALJ SANYAL: Let's go back on the record.

12 (Witness sworn.)

13 ALJ SANYAL: You may have to hold the
14 microphone closer to you.

15 MR. ZELNICK: All right.

16 ALJ SANYAL: Okay.

17 - - -

18 DAVID ZELNICK

19 presented himself as a public witness, and being
20 first duly sworn, testified as follows:

21 DIRECT TESTIMONY

22 MR. ZELNICK: To begin with, I want to
23 complain that the maps you're supplying us are
24 terrible. There's so much more you could tell us by
25 giving us a map we would understand. And a company,

1 the size of DP&L, certainly could afford to do a
2 little work on the map so we are informed of what's
3 going on. That's terrible. That's my first
4 complaint.

5 Also we've all come here to testify or to
6 hear the testimony and I don't believe half the
7 people have heard half of what's gone on yet.

8 Now, my farm is on Route 41. You have
9 two routes of proposed directions that the power line
10 is going to go on.

11 I think by now we've already had one
12 meeting and people had a chance to give complaints
13 and suggestions and here we go to another meeting,
14 which the law requires you to do, which I think is a
15 dog-and-pony show, because we don't know anything.

16 Your map is terrible, we don't know where
17 it goes, and we're all just sitting around like a
18 bunch of sheep not knowing where we're going.

19 FROM THE AUDIENCE: Here, here.

20 MR. ZELNICK: So I think that we have a
21 problem on my farm. You want to go along the
22 backside of my farm, which is the south side, then
23 you want to go up, according to your route, up the
24 north side, no, I'm sorry, the east side, so that the
25 south and east side you're covering the sides of my

1 farm.

2 I have a big billboard there, which is a
3 part of my living and it's been there for many years,
4 your line is going to go right underneath my
5 billboard or maybe over the top of it, I don't know,
6 but I object to that.

7 I think if you look at the way the map
8 is, if you can believe the map, there is a route that
9 you already have on the west side of my farm. Your
10 line could go right up there and you would have less
11 of the properties to be involved in it and I think
12 that someone should be looking at that.

13 I want to turn the rest of it over to my
14 wife because she was on the same sign-in, I just
15 didn't put her name in. Thank you.

16 ALJ SANYAL: Thank you.

17 MRS. ZELNICK: He's covered it all.

18 ALJ SANYAL: Okay. Well, thank you.

19 I have, it's Nevin Feggler?

20 MR. FESSLER: Fessler.

21 ALJ SANYAL: Fessler.

22 Mr. Fessler, if you'll raise your right
23 hand.

24 (Witness sworn.)

25 ALJ SANYAL: And we've kind of gotten

1 away from it, but if you'll state your address for
2 the record as well.

3 MR. FESSLER: Yes. I live at 1530 South
4 Forest Hill Road. And it's Fessler, F-e-s-s-l-e-r.

5 ALJ SANYAL: Thank you.

6 - - -

7 NEVIN FESSLER

8 presented himself as a public witness, and being
9 first duly sworn, testified as follows:

10 DIRECT TESTIMONY

11 MR. FESSLER: And I -- my big concern is
12 I can't tell anything from this map. The names of
13 the roads aren't on there. It looks to me like on
14 one side they're going down the middle of the field,
15 but then you look at it again and it looks like it's
16 going down the road.

17 And where it appears that you're going to
18 have -- the existing road has got power lines on it
19 and now you're going to go behind my house and put
20 power lines behind it according to this, so I'm going
21 to have power lines on both sides of my house, but I
22 can't tell that because this map is so confusing.

23 I think DP&L could afford to put a good
24 map out and put a map with names on it and make it so
25 you can read it, and the information that's been

1 provided to me is very confusing.

2 I went to the first meeting. I asked
3 questions. I submitted written information. I was
4 told somebody would be getting back to me. I
5 shouldn't have to call them or anything to get them
6 to come to me. They should have got ahold of me.
7 They should have got back to me and then I could have
8 told them my concerns.

9 I just think I don't have enough
10 information to really give you any information as to
11 what my real feelings are. This may be a real good
12 project, I don't know, I haven't had enough
13 information.

14 ALJ SANYAL: I have a question. Have --

15 MR. FESSLER: Yes, I have.

16 ALJ SANYAL: Have you -- you have reached
17 out to DP&L?

18 MR. FESSLER: Yes.

19 ALJ SANYAL: And they have not reached
20 back to you or --

21 MR. FESSLER: Correct.

22 ALJ SANYAL: Okay.

23 MR. FESSLER: That's it.

24 ALJ SANYAL: Thank you, sir.

25 I have Ron Jackson.

1 MR. R. JACKSON: I don't have any
2 questions. I'm listening.

3 ALJ SANYAL: Okay.

4 MR. R. JACKSON: I thought we were
5 supposed to all sign in, that's why I signed in.

6 ALJ SANYAL: Well, thank you for signing
7 in and listening.

8 MR. R. JACKSON: Thank you.

9 ALJ SANYAL: I -- Mika? Mira? Leland?
10 I can't read this very well at all.

11 No? Okay. Well, I'm going to move on.
12 If I haven't called your name, you'll know at the end
13 that was your handwriting.

14 Trent Runkle.

15 MR. RUNKLE: I thought that was the
16 sign-in sheet.

17 ALJ SANYAL: Okay. Deron Jackson.

18 MR. JACKSON: No questions at this time.

19 ALJ SANYAL: Okay.

20 Carol Jackson.

21 MS. JACKSON: None.

22 ALJ SANYAL: Okay.

23 Richard Osgood.

24 (Witness sworn.)

25 ALJ SANYAL: Then if you'll also give --

1 spell your last name and give me your address.

2 MR. OSGOOD: Last name is spelled
3 O-s-g-o-o-d.

4 - - -

5 RICHARD OSGOOD

6 presented himself as a public witness, and being
7 first duly sworn, testified as follows:

8 DIRECT TESTIMONY

9 MR. OSGOOD: I'm representing the Miami
10 County Department of Development. I'm the Director
11 of Development for the County. 510 West Water
12 Street, Troy, Ohio.

13 FROM THE AUDIENCE: We can't hear. We
14 just can't hear.

15 MR. OSGOOD: Richard Osgood with Miami
16 County Department of Development. I'm here to
17 introduce some changes in the Miami County
18 Comprehensive Plan that were referenced in the
19 Application and the study.

20 Through the course of the end of 2017 and
21 into 2018, the County hired a consultant to do a
22 study between the City of Troy and the City of Piqua
23 on the 25A Interchange. So the area impacted by this
24 study and potential land uses, future land uses, are
25 the Eldean substation and the Experiment Farm,

1 general area between Experiment Farm and Eldean Road.

2 The proposed land uses are no longer
3 agriculture. So if agriculture scores higher in the
4 location of route, this would change it to more of an
5 industrial, nonagricultural use.

6 So this plan was adopted by the County
7 Commissioners in April 2019, so it is officially part
8 of the Miami County Comprehensive Plan. The
9 Comprehensive Plan had identified a Special Study
10 Area of 3,000 acres between Troy and Piqua, again
11 around the 25A interchange, as a Special Planning
12 Area and that's what was used to do the study.

13 The request would be to reconsider the
14 two routes in that Section 5 or that upper section
15 between --

16 ALJ SANYAL: I actually don't know what
17 you're referencing. Are you referencing the Staff
18 Report or the Application?

19 MR. OSGOOD: Likely the Application,
20 Appendix 4.1.

21 ALJ SANYAL: Okay.

22 MR. OSGOOD: But it would primarily be
23 the Preferred that goes through it looks like Redenbo
24 Property on Experiment Farm. There's potential and
25 proposed land uses that are nonagricultural along

1 Experiment Farm so that if that would necessitate a
2 move to the Alternate, putting it down Experiment
3 Farm and then across Eldean, that would be preferred
4 in terms of land use.

5 The other thing, the other development
6 that has occurred in the time that this study was
7 taking place is that the County is going to be
8 installing a 12-inch water main up Experiment Farm
9 that will serve the Upper Valley Hospital. It will
10 provide a water loop to the hospital.

11 This water main on Experiment Farm also
12 makes it more reasonable and more cost efficient to
13 develop particularly closer to the City of Troy and,
14 in particular, in this general area around the Eldean
15 substation.

16 So I just primarily want the -- would
17 like the team, the engineers or whoever, to
18 reconsider based on the new proposed land uses. And
19 I can be contacted to obtain maps, plans, whatever is
20 needed to be able to provide that information.

21 ALJ SANYAL: Do you have anything for the
22 Board to consider? Do you have an update of the
23 Comprehensive Plan that we can docket as an exhibit
24 or you can mail it to us?

25 MR. OSGOOD: Yeah, I'll have to mail it.

1 Yeah, I'll mail something. I can get something.

2 ALJ SANYAL: Sure.

3 MR. OSGOOD: I have communicated with an
4 engineer that was working on the project, so I don't
5 know if I want to re-communicate with him or if there
6 would be some ability to communicate this with
7 someone.

8 ALJ SANYAL: I would suggest that you
9 communicate it both to the engineer, --

10 MR. OSGOOD: That's fine.

11 ALJ SANYAL: -- and since you've
12 testified regarding the changes to the Comprehensive
13 Plan, provide a Comprehensive Plan for our docket.
14 Okay?

15 MR. OSGOOD: Okay. Thank you.

16 ALJ SANYAL: Okay. Thank you.

17 Larry Gearhardt.

18 MR. GEARHARDT: Hello.

19 ALJ SANYAL: Hello. Thank you.

20 (Witness sworn.)

21 ALJ SANYAL: And then if you'll state --
22 spell out your last name and then provide your
23 address.

24 MR. GEARHARDT: My last name is spelled
25 G-e-a-r-h-a-r-d-t. But I'm actually here on behalf

of Mrs. Jane Staver, and her address is 5343 South Rangeline Road in West Milton, Ohio.

- - -

LARRY GEARHARDT

presented himself as a public witness, and being first duly sworn, testified as follows:

DIRECT TESTIMONY

MR. GEARHARDT: Good evening. My name is Larry Gearhardt. I'm an attorney representing Mrs. Jane Staver of West Milton, Ohio.

Mrs. Staver is requesting the Power Siting Board to modify Dayton Power and Light's application by changing the location of the proposed route west of West Milton on Davis Road, south of the intersection with Milton-Potsdam Road. Mrs. Staver requests that the location of the proposed route be moved from the west side of Davis Road to the east side of Davis Road where there are currently power lines located.

As I mentioned earlier, Mrs. Staver lives at 5343 South Rangeline Road in West Milton, but her property extends east to Davis Road where she has over 3,000 feet of road frontage. She owns over 300 acres in that area that is devoted to agricultural production.

1 Directing your attention to the map of
2 the proposed route attached as "Exhibit A," and I
3 wish I would have used the one I got here this
4 evening instead of this one because this one isn't
5 really clear, but looking at "Exhibit A" --

6 ALJ SANYAL: I think there's also a map
7 behind you if you want to use that.

8 MR. GEARHARDT: Looking from the north to
9 the south, my testimony is easier to understand if we
10 go from the north to the south. You will see that
11 the proposed route runs on the east side of Davis
12 Road, north of Milton-Potsdam Road, where it is
13 currently located.

14 However, the proposed route is diverted
15 to the west side of Davis Road, south of
16 Milton-Potsdam Road, onto Mrs. Staver's property.
17 Then it runs approximately 3,000 feet on her land
18 which is devoted to farming.

19 Now, we often think of farmland as
20 wide-open spaces that are just waiting to be
21 developed, but this attitude ignores the fact that
22 farmland is the center of an existing business
23 operation. Moving the new line onto Mrs. Staver's
24 property requires agricultural land to be taken out
25 of production. It also creates an aggravation and an

1 inconvenience for the farmer.

2 Now, Dayton Power and Light has
3 indicated -- and, by the way, they've been very
4 willing to meet with us and provide information to
5 us. Dayton Power and Light has indicated that the
6 reason for moving the line from the east side of
7 Davis Road, where it is currently located, to the
8 west side of Davis Road at Milton-Potsdam is because
9 the property on the east side of the road is school
10 property.

11 Now, Mrs. Staver admits that the property
12 on the east side of Davis Road is owned by the school
13 and that protecting school children is a worthy goal.

14 However, upon closer examination of the
15 photo attached as "Exhibit B," you will see that the
16 property on the east side of Davis Road is not an
17 area where students congregate. It's not an area
18 where there are students out for recess. It's not an
19 area where there are buses loading and unloading.

20 Instead, the school property located on
21 the east side of Davis Road is an open field,
22 one-quarter of a mile away from the school building
23 and separated by woods. There are several soccer
24 fields located thereon that are used approximately
25 three months of the year. Otherwise, the school

1 property is an open field with little to no
2 pedestrian traffic. And I've attached a picture of
3 the soccer fields as "Exhibit C" and that is the east
4 side of Davis Road.

5 Mrs. Staver respectfully requests the
6 Ohio Power Siting Board to modify DP&L's proposed
7 route by continuing the line on the east side of
8 Davis Road, south of Milton-Potsdam, rather than
9 diverting it to the west side of the road for the
10 following reasons:

11 No. 1. The current transmission line is
12 already located on the east side of Davis Road. It's
13 been there for decades with no objections. There's
14 been no problems or safety issues to date. The new
15 electric lines will be placed higher on the new poles
16 than the existing lines and, by my calculation, there
17 will be one less pole on the school property than
18 currently exists. Furthermore, the existence of
19 transmission lines on the east side of the road
20 indicates to me that DP&L already has a right-of-way
21 on the east side of the road. Why should they
22 purchase a new right-of-way on the west side of the
23 road?

24 The second reason is that moving the
25 proposed lines to the west side of Davis Road ignores

1 the detrimental effect on farming operations. The
2 new poles will remove land from agricultural
3 production and are a permanent hindrance to farming
4 because of the enormous farm equipment required to
5 prepare the ground, plant, spray, and harvest around
6 them each year. In contrast, the land located on the
7 east side of the road is devoted to grass and only
8 requires mowing. The negative impacts on the farming
9 operation on the west side of the road far outweighs
10 any negative impacts on the grass on the east.

11 And the third reason is Mrs. Staver
12 already has a high-tension power line crossing her
13 property. There's a high-tension power line that
14 runs in an east-west direction along her south
15 property line. It's been there for decades.
16 Therefore, this farming operation has already
17 suffered the negative impacts outlined above. If the
18 new proposed power line is moved to the west side of
19 Davis Road, Mrs. Staver will have distribution lines
20 located on the south side of her property and then on
21 the east side of her property. How many high-tension
22 power lines should Mrs. Staver have to endure?

23 Based on the foregoing reasons,
24 Mrs. Staver requests the Power Siting Board to modify
25 DP&L's Application by keeping the proposed route on

1 the east side of Davis Road, south of Milton-Potsdam
2 Road, rather than diverting it to the west side.

3 It seems to be commonsense to me to
4 continue the new line on the east sign -- east side,
5 in or along an existing right-of-way, in an open
6 grassy area, and avoiding the negative impacts on a
7 new landowner created by diverting the new line to
8 the west side of Davis Road.

9 Thank you very much.

10 ALJ SANYAL: Thank you. Mr. Gearhardt,
11 just one question.

12 MR. GEARHARDT: Sure.

13 ALJ SANYAL: Has your client formally
14 intervened in this proceeding?

15 MR. GEARHARDT: We have not formally
16 intervened. It was a topic of discussion that we had
17 and we decided that, with the cost and expense of
18 traveling to Columbus and spending a day there, that
19 we chose to come here and present our testimony
20 rather than taking a day to Columbus.

21 Now, I'm happy if Mrs. Staver wants me to
22 do that, okay, and the question becomes are we past
23 the deadline to file a motion to intervene?

24 ALJ SANYAL: That's a legal question --

25 MR. GEARHARDT: Well --

1 ALJ SANYAL: -- so, again, not a Question
2 and Answer Session, but we can -- let's discuss
3 afterwards.

4 MR. GEARHARDT: Well, it was my
5 understanding, based on the information presented to
6 us, that the deadline to intervene at the Power
7 Siting Board was September 3rd.

8 ALJ SANYAL: There is a formal deadline,
9 but the Power Siting rules can be waived during
10 exceptional circumstances, so.

11 MR. GEARHARDT: Well, you can do that for
12 me, can't you?

13 ALJ SANYAL: I don't know how. I'm not
14 the Power Siting Board. I am just a lowly ALJ.

15 MR. GEARHARDT: All right. Well, thank
16 you for the opportunity this evening.

17 ALJ SANYAL: Yes.

18 William Springer.

19 MR. SPRINGER: I'll pass.

20 ALJ SANYAL: Okay.

21 Wesley Evans. Wesley Evans.

22 Karey Evans. Karey?

23 Kip "Hamline"?

24 (Witness sworn.)

25 ALJ SANYAL: And then if you could spell

1 out your last name and then give us your address.

2 MR. HAINLINE: Hainline, H-a-i-n-l-i-n-e.

3 - - -

4 KIP HAINLINE

5 presented himself as a public witness, and being

6 first duly sworn, testified as follows:

7 DIRECT TESTIMONY

8 MS. HAINLINE: I own property -- I live
9 on State Route 48, but I own farmland, 100 acres over
10 on State Route 55, about 1,800 feet, and they don't
11 tell me how many poles they put on my property or how
12 far out into the field. So I farm for a living, I'd
13 have to go around poles, but nobody tells me
14 anything.

15 I was back in that information thing in
16 Troy, back in the winter. I asked questions; they
17 don't give me any answers. I'm not going to contact
18 them. They want my ground; they should contact me.
19 I don't hear that. I don't know nothing they're
20 doing.

21 ALJ SANYAL: Okay.

22 MR. HAINLINE: Okay?

23 ALJ SANYAL: Thank you.

24 Karen Hainline.

25 MS. HAINLINE: Pass.

1 ALJ SANYAL: Okay. Kayleen West.

2 (Witness sworn.)

3 ALJ SANYAL: And then if you could spell
4 out your last name and your full address.

5 MS. WEST: My last name is West, W-e-s-t,
6 and my full address is 6775 State Route 55 --

7 ALJ SANYAL: You may proceed.

8 MS. WEST: -- in Ludlow Falls.

9 - - -

10 KAYLEEN WEST

11 presented herself as a public witness, and being
12 first duly sworn, testified as follows:

13 DIRECT TESTIMONY

14 MS. WEST: I just want to voice my
15 concern about this project. My house is within the
16 hundred feet easement and Union Township requires
17 that your homestead, you have a hundred feet before
18 you get to the road.

19 If -- if I give up, have to give up an
20 easement, that's going to take up where my septic
21 tank is. If my septic tank blows up or something and
22 I have to put a new one, I won't be able to put it in
23 the back because that's where my well is. Now I'm
24 without a septic tank because my land has a big
25 easement, so I would like an alternative.

1 ALJ SANYAL: Quick question just so I
2 understand. So the township you live in, requires a
3 hundred feet setback from the road?

4 MS. WEST: Yes. Before you can -- before
5 you can build, and my property meets that. I mean
6 all of the farmers along that line, in order to have
7 their home, they had to have a hundred feet setback.
8 And even farmers that have their homes way in the
9 back, they still had to have a hundred feet on 55.

10 ALJ SANYAL: Okay.

11 MS. WEST: My house is close to the road
12 because it was built for -- as a mother-in-law
13 residence and was deeded off by previous owners. But
14 I will be in a situation, if I give an easement to
15 DP&L and then have to replace my septic which could
16 be within that easement.

17 ALJ SANYAL: Okay. Thank you.

18 MS. WEST: Thank you.

19 ALJ SANYAL: Jo An Gibson.

20 MS. GIBSON: I pass.

21 ALJ SANYAL: Okay. Thank you.

22 Dave Wolfe.

23 MR. WOLFE: I pass.

24 ALJ SANYAL: Okay. Tony Smith.

25 (Witness sworn.)

1 ALJ SANYAL: And I think you have his
2 last name. So address, please.

3 MR. SMITH: S-m-i-t-h. 4213 Horseshoe
4 Bend Road, Troy, Ohio 45373.

5 ALJ SANYAL: And if you could speak into
6 the microphone.

7 MR. SMITH: Sure.

8 - - -

9 TONY SMITH

10 presented himself as a public witness, and being
11 first duly sworn, testified as follows:

12 DIRECT TESTIMONY

13 MR. SMITH: I'm here not in opposition to
14 what DP&L is going to do. I don't think anyone is.
15 We all want better service, the benefits of better
16 power, less outages.

17 Our concern is the placement. That's my
18 opposition. Where the placement of these power lines
19 are going to be, the height, the new extended height
20 of the towers, the height of the power lines.

21 And I'll tell you why. I'm a homeowner
22 but I'm also an airport owner. I wanted to highlight
23 the awareness of how many airports will be directly
24 impacted because of these 75- to 90-foot power lines.

25 I've been a pilot for 25 years. One of

1 the greatest flight hazards are power lines. And
 2 I've highlighted on this map, there are eight
 3 airstrips, privately-held and publicly-held, that
 4 will be directly impacted due to the route of these
 5 power lines.

6 On our property, if they cut down Fenner
 7 Road, they will be directly at the end of our runway
 8 so it will impact our approach. They'll be right at
 9 the north part of our runway.

10 So, two things I think it's going to
 11 negatively impact. Homeowners, you're going to have
 12 an effect on the value of the homes because they're
 13 going to be extremely unslightly because of the size.
 14 If these were standard power lines, no one would be
 15 here, but these are huge.

16 And when you talk about flight safety, we
 17 had a proposed radio tower that was going to go in in
 18 1987, very close to our airport. It was denied
 19 because of flight safety; the hazards of power lines
 20 and towers within the proximity of airports.

21 So, again, there are going to be eight
 22 airports, privately-held and publically-held, that
 23 will be impacted if they stay with this proposed
 24 route of the power lines, so I would ask you just to
 25 consider the safety of pilots and this would be a

1 flight hazard.

2 ALJ SANYAL: Thank you. Quick question
3 for you.

4 MR. SMITH: The map is on the back.

5 ALJ SANYAL: Thank you. So, again, the
6 Staff of the Ohio Power Siting Board does put out a
7 Staff Report and aviation is one of the concerns that
8 Staff does review, so I would recommend that you
9 review that portion of the Staff Report. And if you
10 continue to have concerns --

11 MR. SMITH: I've submitted a letter to
12 both entities that asked for a letter, so.

13 ALJ SANYAL: Okay, perfect.

14 MR. SMITH: All right?

15 FROM THE AUDIENCE: Where do we get the
16 Staff Report?

17 ALJ SANYAL: So if you -- it is available
18 on our website. So if you go on the Ohio Power
19 Siting Board website or the Public Utilities
20 Commission website, this case has a particular case
21 number associated with it; so you can type it in and
22 you can pull up the Staff Report. When we go off the
23 record, I have my laptop with me, I'd be happy to
24 show you how to access that. Would that be helpful?
25 Okay. So I will do that --

1 FROM THE AUDIENCE: It would be helpful
2 if you mail it.

3 ALJ SANYAL: Let's continue with getting
4 everyone's testimony and then I promise to show you
5 how to access that Staff Report, okay? Okay.

6 Alfred Daum or Dan.

7 (Witness sworn.)

8 ALJ SANYAL: If you will please spell
9 your last name and your address.

10 MR. DAUM: My last name is Daum, D-a-u-m,
11 Alfred, E.

12 - - -

13 ALFRED E. DAUM

14 presented himself as a public witness, and being
15 first duly sworn, testified as follows:

16 DIRECT TESTIMONY

17 MR. DAUM: I have the property just south
18 of the West Milton Corporation where two already
19 high-transmission lines, high-tension transmission
20 lines, cross the property, plus a natural gas line
21 you also have the easement of.

22 And now I don't know. I'm told by the
23 township commissioner one thing, I'm told by a
24 trustee, I'm told by neighbors another thing, so I
25 really don't know what your proposal is coming

1 through that land. But if you're going to put
2 another one up there, another line, I've already got
3 two of them and a gas line. I think that's about as
4 much as I can farm around.

5 I got tie lines that they had broken into
6 when they put in the original last line that's been
7 several years ago. I got springs that run through
8 there; water. I got interference. It's a constant
9 "mmmmmmmm." And if you put another one in, it's
10 going to intensify that particular area there.

11 I mean two high-tension lines and then a
12 third? If you were going to put maybe crossbars on
13 the existing lines, I probably wouldn't have a
14 problem. But if you're going to put another one in
15 there, you're going to take part of my woods, I'm
16 going to be farming around two sets of poles instead
17 of -- the one set is on the fence line so I'm not
18 concerned with that, but if I'm farming around two
19 sets of poles instead one, then I got a problem.

20 I just thought I'd give you my
21 problems, you know. I'm a 93-year-old war veteran
22 and I'm still active, but I don't want to get more
23 interference if I don't have to.

24 ALJ SANYAL: Well, thank you for your
25 service and thank you for your testimony. And I

1 suggest, again, to reach out to DP&L with some of
2 those questions.

3 FROM THE AUDIENCE: Why don't they reach
4 out? Why don't they reach out and tell us --

5 ALJ SANYAL: Again, we're going to
6 continue with the hearing process and then we're
7 going to keep questions at the very end.

8 Mr. Kevin Moore.

9 Tim -- oh.

10 FROM THE AUDIENCE: We were going to
11 scratch you out, Kevin. You weren't fast enough.

12 MR. MOORE: I guess.

13 ALJ SANYAL: I was.

14 (Witness sworn.)

15 ALJ SANYAL: Address and last name.

16 MR. MOORE: M-o-o-r-e. 7411 Martindale
17 Road, Tipp City.

18 - - -

19 KEVIN MOORE

20 presented himself as a public witness, and being
21 first duly sworn, testified as follows:

22 DIRECT TESTIMONY

23 MR. MOORE: I own property between
24 Horseshoe Bend and Fenner and also north of Fenner.

25 Recently I guess I've got maps, I don't

1 know, it's been a couple months now, it looked like
2 the Preferred Route has changed. Now it looks like
3 it's going to go directly through the farmland.

4 And yes, I have tried to contact them and
5 call them, and I know the message said they would get
6 back with you, and I have never heard anything back.

7 From what it looks like, my guessing on
8 the map, it's going to go maybe 40 feet away, 50 feet
9 away from my property line even, which even makes it
10 more destructive. With big equipment nowadays, it's
11 impossible to farm around that. Not even going down
12 the property line, when you've got 40-foot to
13 120-foot equipment, you're destroying a whole lot
14 more farmland there by taking that route than what
15 was.

16 Also, we've had DP&L, 50 years ago, go
17 through some of our farms. The way they put it in, I
18 did not watch them put it in, but my grandparents and
19 parents watched them put it in, and I can tell you
20 I'm farming it now and it is still destroyed. The
21 way they pulled bulldozers through and mudded
22 through, the farm ground is still not the same there
23 to the rest of the farmland.

24 We've also recently spent an abundance of
25 money putting field tile and drainage into those

1 farms that I am highly concerned with it being
2 destroyed and/or at least harmed to not working
3 right.

4 So we have concern of where it would go,
5 the compaction problems and the destruction of the
6 field tile problems, along with where the lines go or
7 intend to go down through the middle of the farm, not
8 where the road right-of-way was or not even down the
9 property line which would at least make a little more
10 sense.

11 ALJ SANYAL: Question: So you were
12 initially contacted by the Company because you're an
13 affected landowner? Did you receive literature?

14 MR. MOORE: Correct.

15 ALJ SANYAL: Okay. That's how you know
16 about it.

17 MR. MOORE: Correct.

18 ALJ SANYAL: Okay.

19 MR. MOORE: But have not been responded
20 to with any calls recently.

21 ALJ SANYAL: Okay. Thank you very much.
22 Todd Bouse.

23 MR. BOUSE: Pass.

24 ALJ SANYAL: Okay. Julie Beidelman.

25 MS. BEIDELMAN: Yes.

1 MR. HOSLER: You skipped me. I was right
2 after Kevin Moore.

3 MS. BEIDELMAN: Okay.

4 MR. HOSLER: Go ahead and I'll --

5 ALJ SANYAL: Oh. Tim?

6 MR. HOSLER: Yes.

7 ALJ SANYAL: I'm sorry. I --

8 MR. HOSLER: Go ahead.

9 ALJ SANYAL: Okay.

10 (Witness sworn.)

11 MS. BEIDELMAN: You need me to spell my
12 name?

13 ALJ SANYAL: Yes. And then your address,
14 please.

15 MS. BEIDELMAN: B-e-i-d-e-l-m-a-n. My
16 address is 4340 Fenner Road, Troy.

17 - - -

18 JULIE BEIDELMAN
19 presented herself as a public witness, and being
20 first duly sworn, testified as follows:

21 DIRECT TESTIMONY

22 MS. BEIDELMAN: And I mainly have
23 questions. So my first question is, Kevin Moore
24 touched on this, he mentioned that the Preferred
25 Route had changed. How would I know that? I

1 received information, it looks to me like the
2 information I received, last year, that the route is
3 the same. So I guess I'm asking where can I find a
4 better map, as many have mentioned, with exact street
5 names so you can tell where the route will go?

6 Also, I would like to know when will the
7 Preferred versus the Alternate Route be confirmed?

8 ALJ SANYAL: Well, again, this is not a
9 Question and Answer Session.

10 MS. BEIDELMAN: Right.

11 ALJ SANYAL: But I can tell you that the
12 Power Siting Board will review all the information
13 after this public hearing, and then there's going to
14 be an evidentiary hearing in Columbus and we'll issue
15 an Opinion; so, at that point, one of the routes will
16 be chosen.

17 MS. BEIDELMAN: Okay. So after the
18 evidentiary hearing in Columbus.

19 ALJ SANYAL: Yes.

20 MS. BEIDELMAN: Okay. Another
21 question is -- well, you said it's not a Question and
22 Answer --

23 ALJ SANYAL: Right.

24 MS. BEIDELMAN: -- but I'll throw this
25 out anyway.

1 ALJ SANYAL: Yes.

2 MS. BEIDELMAN: So will the route be --
3 will the Preferred and the Alternate, could it be
4 partly Preferred, partly Alternate, or will it be one
5 or the other?

6 ALJ SANYAL: Again, I'm just the ALJ
7 here. The Board makes that decision.

8 MS. BEIDELMAN: Okay. So my family -- I
9 own land on Fenner Road. My mom and her family own
10 the farmland that goes down Forest Hill up to Fenner.
11 If the Alternate Route were chosen in that area
12 between Horseshoe Bend and Fenner Road, that would go
13 directly through my family's property, which is
14 farmland as well, so that would disrupt the farmland.
15 It would actually go on the west and the north side
16 so it would affect two sides of the property.

17 So I would definitely prefer the
18 Preferred Route between -- well, let me say, in
19 general, I'm against the project to begin with, so
20 I'd like to go on record saying that.

21 But if a route has to be chosen and the
22 Project is approved, I would definitely prefer the
23 Preferred Route from Horseshoe Bend up to Fenner and
24 then on up Forest Hill as opposed to what looks like
25 in red on my map which would go right through my

1 family's farmland on two sides; so I'd like to say
2 that.

3 The second thing is I would like to know
4 where I could find more information about the poles.
5 I've looked online. I have not been able to find
6 specific, like one gentleman mentioned height and he
7 mentioned wood and steel. I did not find that and
8 I'd like to know where I could find that.

9 ALJ SANYAL: Okay. So let's reserve
10 those questions for the Company after the hearing.

11 MS. BEIDELMAN: Okay. Tonight?

12 ALJ SANYAL: Yes. I mean, Mr. Griffin
13 has indicated that there are people here, available
14 here to answer your questions.

15 MS. BEIDELMAN: Okay. Let's see. Okay.
16 I think that's it.

17 ALJ SANYAL: Okay. Thank you very much
18 for your testimony.

19 Okay. I believe I skipped over
20 Mr. Hosler, correct?

21 (Witness sworn.)

22 ALJ SANYAL: Okay. And last name and
23 address, please, for the record.

24 MR. HOSLER: Hosler, H-o-s-l-e-r. 3405
25 Eldean Road, Covington, Ohio.

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TIM HOSLER

presented himself as a public witness, and being
first duly sworn, testified as follows:

DIRECT TESTIMONY

MR. HOSLER: I understand that there's --
everyone here is -- there's both sides of the story
with farms and homes. I have a lot of friends here
that have farmland that will be highly affected.

You know, I don't own any farmland, but
I'm on Eldean Road, and the Alternate they're calling
out, again it's from 30,000 feet, I don't know
whether it's going through my living room, across the
road, behind my house, where it's going to go. It's
very vague. It's unfortunate that they can't provide
better information on that. And I don't want to sit
and wait until they show up with a truck to find out
that, you know, I got a pole sitting in my front
well.

So, like I say, I understand the farmers,
it's a financial thing for them, it's a business, I
get it. But also as a homeowner, I want to know how
DP&L, when I go to sell my house in a few years or I
need to sell my house and I found out that it's not
worth anything that I bought it for or I can't even

1 sell it because I've got a power pole sitting in my
2 front yard or my backyard, I can't even tell where
3 it's going to go. Like I said, it's just 30,000 feet
4 with a highlighter. "Looks good" is unacceptable.

5 I'd like to know if there's anyone here
6 from DP&L tonight.

7 ALJ SANYAL: There is.

8 MR. HOSLER: Okay.

9 ALJ SANYAL: Yes.

10 MR. HOSLER: Because obviously there's no
11 one here that really cares about the people that this
12 is affecting, so I'm just here to -- yeah, that's it.
13 I just wanted to expel that.

14 ALJ SANYAL: So just so you know, we do
15 have, I think Mr. Griffin introduced himself earlier.

16 MR. HOSLER: I couldn't hear.

17 ALJ SANYAL: I'm sorry. I'm trying to
18 shout as much as I can. Mr. Griffin is here on
19 behalf of DP&L. He does have, with him, people who
20 can hopefully answer some of your questions.

21 MR. HOSLER: Okay. So the other thing
22 that they were talking about, the opportunity to
23 change this plan was on September 3rd? Is that -- to
24 be able to voice your opinion about that --

25 ALJ SANYAL: Okay. It's --

1 MR. HOSLER: -- besides this meeting?

2 ALJ SANYAL: -- not a Question and Answer
3 Session again right now, but I can say that
4 there's -- if parties want to formally intervene in
5 this process, under our rules there is a rule under
6 which you can do that, and that formal intervention
7 date was September 3rd.

8 MR. HOSLER: All right. Thank you.

9 ALJ SANYAL: Todd Bouse.

10 MR. BOUSE: Pass.

11 ALJ SANYAL: Okay.

12 Amanda Riedel.

13 (Witness sworn.)

14 ALJ SANYAL: And if you could spell out
15 your name and your address, please.

16 MS. RIEDEL: It's R-i-e-d-e-l. My
17 property is 6853 West State Route 55, Ludlow Falls.

18 - - -

19 AMANDA RIEDEL

20 presented herself as a public witness, and being
21 first duly sworn, testified as follows:

22 DIRECT TESTIMONY

23 MS. RIEDEL: So first I want to say that
24 the first we heard of this was back in the spring
25 casually with some neighbors. My husband and I just

1 bought this property in September of 2018. We have
2 never received any piece of mail with our name on it.
3 This has the previous homeowner. This came as a
4 complete shock. We didn't know what is going on. It
5 sounds like nobody else here knows what's going on.
6 She, thankfully, brought this to us in August. I've
7 known about this for one month.

8 Our house sits within 50 feet of the road
9 on 55. Our well sits even closer to the road. I
10 have no idea where these power lines are going. I
11 have no idea what I'm going to have to do. I don't
12 know where I'm going to dig another well and nobody
13 will tell us anything.

14 No, I have not contacted DP&L because I'm
15 familiar with their work, and if they can't even get
16 my name right on a piece of paper dated July 2019 and
17 I've been at this property for almost a year, I don't
18 trust what they have to say.

19 ALJ SANYAL: Ma'am, I do have a question
20 for you. When did you purchase your property?

21 MS. RIEDEL: September 2018.

22 ALJ SANYAL: Okay. Thank you.

23 Are there any other people who wish to
24 testify that I have not called --

25 FROM THE AUDIENCE: Yes.

1 ALJ SANYAL: Come on up. And may I have
2 your name?

3 MR. SILCOTT: Michael Silcott,
4 S-i-l-c-o-t-t.

5 ALJ SANYAL: S-i-l --

6 MR. SILCOTT: -- c-o-t-t.

7 ALJ SANYAL: Okay.

8 (Witness sworn.)

9 ALJ SANYAL: And then your address,
10 please, for the record.

11 MR. SILCOTT: 50 South Forest Hill Road,
12 Troy, Ohio.

13 ALJ SANYAL: Go ahead whenever you're
14 ready.

15 - - -

16 MICHAEL SILCOTT
17 presented himself as a public witness, and being
18 first duly sworn, testified as follows:

19 DIRECT TESTIMONY

20 MR. SILCOTT: I live on the corner of
21 Forest Hill and 718 on the west side. There's a lot
22 of water issues for drainage. If they put holes in,
23 I'm presuming it's going to go on the east side.
24 There's nowhere for the water to run if they build it
25 up from the water flow. As you can see, there's 718.

1 Forest Hill there. Water goes underneath the road
2 and through the farmland.

3 ALJ SANYAL: Okay.

4 MR. SILCOTT: I just had concerns on
5 that.

6 ALJ SANYAL: Okay. And again, I'm sorry,
7 where do you reside?

8 MR. SILCOTT: 50 South Forest Hill Road.

9 ALJ SANYAL: And where is that in
10 relation to -- do you live in front of a substation?
11 I'm just trying to --

12 MR. SILCOTT: No. I'm just concerned of
13 the water because I'm on the corner of 718 and Forest
14 Hill Road on the west side. I'm presuming it's going
15 to go on the east side and it's really going to back
16 up. If it's going across the road now and it's
17 already close to the house as it is, it's backing up
18 into my neighbor's yard and fields. So it just needs
19 a lot better work on getting the water flow out.

20 ALJ SANYAL: Okay.

21 MR. SILCOTT: Okay. Thank you.

22 ALJ SANYAL: Thank you very much.

23 Is there anyone else who would -- okay, I
24 have two, so I'll take you first.

25 May I have your name, first, so I can

1 write it down?

2 MR. DUNCAN: Ed Duncan, D-u-n-c-a-n.

3 ALJ SANYAL: Okay. Let's swear you in.

4 (Witness sworn.)

5 ALJ SANYAL: If you'll speak into the
6 microphone, please, so everyone can hear you.

7 - - -

8 ED DUNCAN

9 presented himself as a public witness, and being
10 first duly sworn, testified as follows:

11 DIRECT TESTIMONY

12 MR. DUNCAN: I'm like a lot of others
13 here that I've submitted some questions after that
14 last meeting and I have not received any answers.

15 Mr. Conley sort of covered everything I
16 was concerned about. Why they don't go down Calumet
17 Road?

18 The other thing, I've got a little more
19 detailed map maybe than what this one is, that shows
20 that the power line comes down on the north side of
21 55 and then it shows it comes over onto my property
22 at 6850.

23 And I guess my concern is, Mrs. West
24 talked about her property being close to the road.
25 According to the map that I have, the pole will be

1 right out her front door and I don't think that's too
2 good either. So I think a little more detail on the
3 maps of where things are going, and have you
4 considered Calumet Road, would eliminate a lot of
5 property on 55 as well as on 48.

6 ALJ SANYAL: Anything else?

7 MR. DUNCAN: Nope, that's it.

8 ALJ SANYAL: Okay. Thank you very much.

9 And I believe I had someone else who
10 wished -- you can come on up. May I write down your
11 name?

12 MR. HERKINS: Mark Herkins,
13 H-e-r-k-i-n-s.

14 (Witness sworn.)

15 ALJ SANYAL: Then your address, please,
16 for the record.

17 MR. HERKINS: 6990 Emerick Road, West
18 Milton.

19 - - -

20 MARK HERKINS

21 presented himself as a public witness, and being
22 first duly sworn, testified as follows:

23 DIRECT TESTIMONY

24 MR. HERKINS: The reason I'm up here,
25 like I said we've got two high-voltage lines now on

1 the west side of our lane, which is fine, but -- and
2 like I said they don't really describe if they're
3 going to add another one or they're going to replace
4 one of them.

5 But the thing was that I was getting
6 ready to tar and gravel the drive so I've been fixing
7 that, and then I got this letter and now they changed
8 the route.

9 So I guess my concern was that with all
10 these heavy trucks, because I know they're going to
11 be using the lane there to get down there unless
12 they're going to drive out in the field, but as far
13 as doing damage to my lane before I spend all this
14 money doing this tar and gravel.

15 So I just wanted to make note of my
16 concern of that because I got 2,500 feet of asphalt
17 drive and they're probably going to be using about
18 three-quarters of it because it goes all the way down
19 my whole lane. So I just wanted to put that in the
20 there, so.

21 And the other thing, I'm kind of speaking
22 for my daughter's behalf, but right there at the
23 boundary line on the west south corner, when it comes
24 right into the West Milton line there, I think it
25 hits about four or five houses right along there.

1 And just looking at it, if they go that direction, I
2 don't understand why they could not angle that over
3 to avoid some of them homes there.

4 They've got them power lines now, and I
5 don't know what the -- the power lines they have now,
6 I don't know if they're 48k, I have no idea, and I
7 figured these here are going to be a lot bigger. We
8 have some on the south end of our property that I
9 think are probably 138k because they're really big.

10 But I guess I was just speaking, saying
11 something about where my daughter lives, why they
12 couldn't angle that over and avoid them four or five
13 homes instead of running it right in the back like
14 they have now. That's if they're going to replace
15 them or, like I said, I don't know if they're running
16 another line. So, that's it.

17 ALJ SANYAL: Thank you, Mr. Herkins.

18 May I have your name, just so I can write
19 it down?

20 MR. PECK: Raymond Peck, P-e-c-k. 5655
21 South Jay Road.

22 (Witness sworn.)

23 - - -

24 RAYMOND PECK

25 presented himself as a public witness, and being

1 first duly sworn, testified as follows:

2 DIRECT TESTIMONY

3 MR. PECK: As I said, I live on South Jay
4 Road. There's four or five houses along there, right
5 that section, and we already have a high-tension
6 power line there and, as somebody else has testified,
7 you can hear this humming, you know, all the time.

8 I think it would be, you know, with a
9 higher-tension line going down through there, I think
10 it just makes the things worse, decrease our property
11 values. That's it.

12 ALJ SANYAL: Okay. Well, thank you very
13 much, sir.

14 Is there anyone else who would like to
15 testify?

16 MR. V. JACKSON: I didn't register. Can
17 I testify? I didn't register.

18 ALJ SANYAL: Oh, yes. Yes, come on up.

19 May I have your full name, just so I can
20 write it down?

21 MR. V. JACKSON: Van Jackson. 5773 West
22 State Route 55.

23 (Witness sworn.)

24 ALJ SANYAL: You may proceed.

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VAN JACKSON

presented himself as a public witness, and being
first duly sworn, testified as follows:

DIRECT TESTIMONY

MR. V. JACKSON: I have property on 55.
I've got property on Horseshoe Bend. I'm like the
rest of them, it don't seem to be in detail whether
it's going to be affecting me or not. I can't tell
whether it's going to be on Forest Hill Road or it's
going to be in the farmland west of Forest Hill.
I've got 60 acres there in that area.

And there just seem to be a lot of
unanswered questions. And I hope they have another
meeting in this area that we don't have to go to
Columbus to see what the proposal is and if there's
going to be any compensation on the property, like
the farmland like they're trying to need.

I'd like to have a little more detail.
This map really don't say where it's going to be and
if it's going to be along Forest or is it going to be
in a hundred feet or, you know, what I'm trying to
get across.

It seem like if they follow the property
line or the roadway, it wouldn't be interfering with
farmland so much. I'm kind of like the rest of them,

1 if I had a little more detail on the map.

2 I was thinking maybe this meeting there
3 would be some DP&L people could explain a little more
4 what we've all got a question about. I just wanted
5 to register my feeling about it. And my concern is
6 they have another meeting here in this area and not
7 have to go to Columbus. Thank you.

8 ALJ SANYAL: Okay. And, Mr. Jackson, as
9 I mentioned again, there are DP&L representatives
10 here today, so I hope you stick around after this,
11 after the formal portion of this hearing, to get some
12 of those questions answered.

13 MR. V. JACKSON: Thank you.

14 ALJ SANYAL: I am through my list
15 but, you know, I'm still taking any other people who
16 may want to put their testimony on the record.

17 Come on up. And may I have your full
18 name, just so I can write it down?

19 MR. JOURNELL: Chris Journell,
20 J-o-u-r-n-e-l-l. And I own property on 1825 South
21 Forest Hill Road.

22 ALJ SANYAL: May I swear you in?

23 MR. JOURNELL: Yeah.

24 (Witness sworn.)

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CHRIS JOURNELL

presented himself as a public witness, and being
first duly sworn, testified as follows:

DIRECT TESTIMONY

MR. JOURNELL: We've been at the property
now about six years and the property we have is a
rectangular property, approximately six acres in
length. It backs up to the airport and then
farmland.

We did get various communications on this
but, all and all, the communication we received was
vague at best; just to reiterate what the people here
are saying. It's very hard for a property owner to
make a guided decision based off a thousand-foot view
and not getting any details.

I find it very concerning that DP&L would
put these options out there, as vague as they are,
and then not give us any further detail.

Is it hundred feet back from Forest Hill
Road or is it at the property line? Where is the
alternate property lines? How high -- to
re-echo what some other people were saying, how high
are these towers? What are they made of? How much
easement is going to be needed?

We need more details. This feels,

1 another gentleman said earlier, it feels like a pony
2 show. This feels really wrong. That's all I've got
3 to say. We just need more details. This is
4 unacceptable

5 ALJ SANYAL: Thank you.

6 Is there -- okay, I see two more hands.

7 MR. GEARHARDT: May I have a
8 clarification here from an administrative standpoint?
9 I know there are people here that have written
10 testimony that they were led to believe could be
11 submitted and have the same weight as oral testimony
12 tonight, and I'm not sure everybody heard you earlier
13 about the process of you accepting written testimony
14 and the impact of that at the hearing tonight. Would
15 you repeat that, please?

16 ALJ SANYAL: Sure, but let's, is there
17 anyone who would like to testify first?

18 We'll take you first and then we'll do
19 some clarification on written versus oral testimony.

20 ALJ SANYAL: May I have your name,
21 please.

22 MS. ISBEL: Debbie Isbel, I-s-b-e-l.

23 (Witness sworn.)

24 ALJ SANYAL: And then if you'll give us
25 your address, please.

1 MS. ISBEL: 5536 South Jay Road.

2 ALJ SANYAL: You may proceed.

3 - - -

4 DEBBIE ISBEL

5 presented herself as a public witness, and being
6 first duly sworn, testified as follows:

7 DIRECT TESTIMONY

8 MS. ISBEL: All right. I really just
9 want to be on the record to reiterate what everyone
10 is saying. I have four houses somewhere in that West
11 Milton block and I've sat for an hour and I can't
12 find it. I have not had any previous contact with
13 DP&L. I'm just recently going through the process of
14 inheriting the property as of September 4th. But we
15 already have the huge power lines --

16 ALJ SANYAL: If you could speak into the
17 microphone.

18 MS. ISBEL: -- power lines on the north,
19 south -- or, the north and the west and the east of
20 us already. And I would like to know, in the future,
21 will there be more lines or can they use the existing
22 lines that are already there? But I just wanted to
23 go on the record that this is so vague. That's all.

24 ALJ SANYAL: Thank you.

25 MS. ISBEL: Thank you very much.

1 ALJ SANYAL: Okay. So we had a question
2 about written versus oral testimony. If you have
3 written testimony and you don't want to come up here
4 and testify, I can accept them, but I won't be able
5 to swear you in; so it will not be part of this
6 record that the court reporter is transcribing. It
7 will be docketed under the Public Comments section of
8 this case, which are reviewed, but aren't sworn
9 testimony.

10 So it is up for you to decide whether you
11 would like your thoughts about this project
12 transcribed tonight or whether you would like to
13 docket the written comments as a public comment on
14 the -- in the case file.

15 FROM THE AUDIENCE: And those will be
16 reviewed?

17 ALJ SANYAL: They will be reviewed as
18 public comments received, not sworn testimony. So it
19 is your comfort level as to what you would like to
20 do.

21 MR. ZELNICK: Can they hand it to you and
22 swear at the time?

23 ALJ SANYAL: Let's go off the record.

24 (Discussion off the record.)

25 ALJ SANYAL: I'm going to go back on the

1 record.

2 If you have oral testimony you would like
3 to give, we can still do that. If you have comments
4 that you would like me to take back that will be
5 filed in the case, I can do that. So I'm going to
6 give you 30 seconds to think about this.

7 (Pause in proceedings.)

8 ALJ SANYAL: Okay. Do we have any more
9 testimony tonight?

10 If not, I will do a closing and then we
11 can go off the record and we can get some of your
12 questions answered by DP&L representatives.

13 So, on behalf of the Board, I would like
14 to thank everyone for coming this evening

15 FROM THE AUDIENCE: Use the microphone.

16 ALJ SANYAL: Okay. I will do that.
17 Thank you for the feedback.

18 On behalf of the Board, I would like to
19 thank you for coming to the hearing. This will
20 conclude the public hearing which will be submitted
21 on the record for the Board's consideration of this
22 case.

23 As I mentioned previously, the
24 evidentiary hearing, where DP&L and Board Staff --
25 during the evidentiary hearing, DP&L and Board Staff

1 will have the opportunity to present expert testimony
2 in support of their respective positions, and that
3 hearing is scheduled for October 1st, 2019, at the
4 Board's offices which is located at 180 East Broad
5 Street, Columbus, Ohio.

6 After the evidentiary hearing has
7 concluded, parties will have the opportunity to
8 submit written briefs and reply briefs in support of
9 their respective positions. Thereafter, the Board
10 will issue its decision on DP&L's Application.

11 So again, thank you, everyone, for
12 coming.

13 If it's a question, I will take it off
14 the record unless you want to provide oral testimony.

15 Okay. Well, in that case, we will go off
16 the record.

17 (Thereupon, the proceedings concluded at
18 7:33 p.m.)

19 - - -

CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on Tuesday, September 17, 2019, and carefully compared with my original stenographic notes.

Carolyn M. Burke
Carolyn M. Burke, Registered
Professional Reporter, and
Notary Public in and for the
State of Ohio.

My commission expires July 17, 2023.

- - -



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in

Case No(s). 18-1259-EL-BTX

Summary: Transcript In the Matter of the Application of The Dayton Power and Light Company for a Certificate of Environmental Compatibility and Public Need for the West Milton to Eldean 138 kV Transmission Line Project, hearing held on September 17, 2019 electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Burke, Carolyn