

BEFORE THE OHIO POWER SITING BOARD

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In the Matter of the :
Application of The Ohio :
State University for a :
Certificate of :
Environmental :
Compatibility and Public : Case No. 19-1641-EL-BGN
Need to Construct a :
Combined Heat and Power :
Facility in Franklin :
County, Ohio. :

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PROCEEDINGS

before Ms. Sarah Parrot, Administrative Law Judge,
Ohio Power Siting Board, called at 10:00 a.m. on
Wednesday, July 15, 2020.

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Volume II

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1 Wednesday Morning Session,

2 July 15, 2020.

3 - - -

4 ALJ PARROT: Let's go on the record.

5 Good morning, everyone. This is the
6 continuation of the hearing in Case No.
7 19-1641-EL-BGN.

8 Let's start with brief appearances of the
9 parties starting with the Applicant.

10 MR. ALEXANDER: Good morning. This is
11 Trevor Alexander and Steve Lesser from the law firm
12 of Calfee, Halter & Griswold on behalf of The Ohio
13 State University.

14 ALJ PARROT: Thank you, Mr. Alexander.
15 On behalf of the Sierra Club.

16 MS. WACHSPRESS: Today we have Megan
17 Wachspress and Tony Mendoza on behalf of Sierra Club.

18 ALJ PARROT: Thank you. And finally on
19 behalf of the Staff of the Ohio Power Siting Board.

20 MR. LINDGREN: Thomas G. Lindgren and
21 Werner Margard, Assistant Attorneys General.

22 ALJ PARROT: Thank you very much.

23 Are there any preliminary issues that the
24 parties have at this point?

25 All right. Hearing nothing, I think we

1 had finished yesterday with Sierra Club's witness, so
2 at this point I believe I will turn things over to
3 Staff.

4 MR. LINDGREN: Thank you, your Honor.
5 And if this is a good time, could we go ahead and
6 mark all of the Staff testimony?

7 ALJ PARROT: That's fine. Yeah, if you
8 wish.

9 MR. LINDGREN: Yeah. I think that would
10 be good.

11 ALJ PARROT: Go ahead.

12 MR. LINDGREN: I believe we have already
13 marked the Staff Report as Exhibit A and that's
14 already been admitted into the evidence.

15 ALJ PARROT: That's correct.

16 MR. LINDGREN: Thank you. And next we
17 would like to have marked as Staff Exhibit B the
18 testimony of Robert Holderbaum.

19 ALJ PARROT: So marked.

20 (EXHIBIT MARKED FOR IDENTIFICATION.)

21 MR. LINDGREN: Staff Exhibit C will be
22 the testimony of Andrew Conway.

23 ALJ PARROT: So marked.

24 (EXHIBIT MARKED FOR IDENTIFICATION.)

25 MR. LINDGREN: Staff Exhibit D will be

1 the testimony of Tyler Conklin.

2 ALJ PARROT: Very good.

3 (EXHIBIT MARKED FOR IDENTIFICATION.)

4 MR. LINDGREN: Staff Exhibit E will be
5 the testimony of Eric Morrison.

6 ALJ PARROT: So marked.

7 (EXHIBIT MARKED FOR IDENTIFICATION.)

8 MR. LINDGREN: Staff Exhibit F will be
9 the testimony of Grant Zeto.

10 ALJ PARROT: Okay.

11 (EXHIBIT MARKED FOR IDENTIFICATION.)

12 MR. LINDGREN: Staff Exhibit G will be
13 the testimony of Matt Butler.

14 ALJ PARROT: All right.

15 (EXHIBIT MARKED FOR IDENTIFICATION.)

16 MR. LINDGREN: Staff Exhibit H will be
17 the testimony of Jason Cross.

18 ALJ PARROT: Okay.

19 (EXHIBIT MARKED FOR IDENTIFICATION.)

20 MR. LINDGREN: Staff Exhibit I will be
21 the testimony of Paul Nathan Spahr.

22 ALJ PARROT: All right.

23 (EXHIBIT MARKED FOR IDENTIFICATION.)

24 MR. LINDGREN: Staff Exhibit J will be
25 the testimony of Jon Pawley.

1 ALJ PARROT: So marked.

2 (EXHIBIT MARKED FOR IDENTIFICATION.)

3 MR. LINDGREN: Staff Exhibit K will be
4 the testimony of Mark Bellamy.

5 ALJ PARROT: Okay.

6 MR. LINDGREN: And Staff Exhibit L will
7 be the testimony of Allison DeLong.

8 ALJ PARROT: Okay. So marked.

9 (EXHIBIT MARKED FOR IDENTIFICATION.)

10 MR. LINDGREN: And the parties have
11 agreed to waive cross-examination and stipulate to
12 the admission of Staff Exhibits D through L.

13 ALJ PARROT: Let's go off the record for
14 a moment.

15 (Discussion off the record.)

16 ALJ PARROT: So let's go back on the
17 record.

18 Mr. Lindgren, we had a technical blip
19 there for a moment. You were representing that
20 the -- it was your understanding the parties had
21 agreed to admit some of this testimony and waive the
22 right to cross-examination of some of these witnesses
23 so let's pick that up again, please.

24 MR. LINDGREN: Yes. The parties have
25 agreed to stipulate to the admission of Staff

1 Exhibits D, E, F, G, H, I, J, K, and L.

2 ALJ PARROT: Okay. And any issues?
3 Objections? Is that consistent with the other
4 parties' understanding of the agreement reached?

5 Mr. Alexander?

6 MR. ALEXANDER: Mr. Lindgren is correct,
7 your Honor.

8 ALJ PARROT: Okay. And Ms. Wachspress?

9 MS. WACHSPRESS: Mr. Lindgren is correct.

10 ALJ PARROT: All right. Very good. With
11 that Staff Exhibits D as in dog through L are
12 admitted into the record at this time.

13 (EXHIBITS ADMITTED INTO EVIDENCE.)

14 MR. LINDGREN: Thank you.

15 ALJ PARROT: All right. If there's
16 nothing else, Mr. Lindgren, you may call your
17 witness.

18 MR. LINDGREN: Thank you. The Staff
19 calls Robert Holderbaum to the stand.

20 ALJ PARROT: All right. Give me just a
21 minute.

22 MR. LINDGREN: I hope he's connected.

23 ALJ PARROT: All right. I think I have
24 done what I need to on my end to get him situated.

25 Mr. Holderbaum, can you hear me?

1 MR. HOLDERBAUM: I can. Can you see or
2 hear me?

3 ALJ PARROT: I can hear you. Let's see.
4 Get your video feed started. There you are. Very
5 good.

6 Can everyone see the witness, hear the
7 witness? All right. Very good.

8 Go ahead, Mr. Lindgren.

9 MR. LINDGREN: Thank you.

10 ALJ PARROT: Actually hang on. Sorry.
11 Spoke too soon.

12 Mr. Holderbaum, let's get you officially
13 sworn in.

14 (Witness sworn.)

15 ALJ PARROT: Very good. Thank you,
16 Mr. Lindgren.

17 MR. LINDGREN: Thank you.

18 - - -

19 ROBERT HOLDERBAUM
20 being first duly sworn, as prescribed by law, was
21 examined and testified as follows:

22 DIRECT EXAMINATION

23 By Mr. Lindgren:

24 Q. Good morning, Mr. Holderbaum.

25 A. Good morning.

1 Q. Where are you employed, sir?

2 A. I am employed at the Public Utilities
3 Commission of Ohio.

4 Q. And what's your business address?

5 A. 180 East Broad Street, Columbus, Ohio
6 43215.

7 Q. Thank you. And what was your role with
8 respect to the application in this proceeding?

9 A. I was the overall staff lead for the
10 project.

11 Q. Thank you. Did you prepare testimony in
12 this proceeding?

13 A. I did.

14 Q. Thank you. Do you have any changes or
15 corrections to that testimony?

16 A. I do not.

17 Q. Thank you.

18 MR. LINDGREN: For the record -- for the
19 record that testimony has been marked as Staff
20 Exhibit B.

21 Q. So if I were to ask you all the same
22 questions this morning, would your answers be the
23 same?

24 A. Yes.

25 MR. LINDGREN: Thank you.

1 I have no further questions, and the
2 witness is available for cross-examination.

3 ALJ PARROT: Thank you, Mr. Lindgren.

4 Ms. Wachspress, are you ready?

5 MS. WACHSPRESS: Yes. Yes, your Honor.

6 ALJ PARROT: All right. Very good.

7 - - -

8 CROSS-EXAMINATION

9 By Ms. Wachspress:

10 Q. Hello, Mr. Holderbaum.

11 A. Good morning.

12 Q. Good morning. So you -- you state in
13 your testimony that you were the project lead for the
14 Staff evaluation of this project, correct?

15 A. Correct.

16 Q. So you would be familiar with the
17 research conducted not only yourself but by other
18 members of Staff, correct?

19 A. Generally in what they did, yes.
20 Specifics about everything they researched, probably
21 not.

22 Q. So in -- in review of this case, did you
23 or anyone on the Staff review the ecological impacts
24 of carbon emissions?

25 A. I did not. I know that our Staff member

1 who is set to testify after me worked with the Ohio
2 EPA and with the air emissions. That's about as far
3 as my knowledge of that goes.

4 Q. Did you or anyone on the Staff review the
5 ecological impacts of the extraction of natural gas
6 for the proposed facility?

7 A. No.

8 Q. Did you or anyone on your Staff review
9 the ecological impacts associated with particulate
10 matter at issue?

11 A. I'm not sure if you can hear me.
12 Everything is kind of froze on my end.

13 Q. It's froze on my end as well. I guess it
14 is a relief it is not the computer.

15 A. I didn't hear that full question, I'm
16 sorry.

17 Q. Oh. I'll ask it again. Did you review
18 the -- did you or anyone on your -- on the Staff
19 review the ecological impacts associated with the
20 particulate matter at issue?

21 A. My knowledge of that would be the
22 Applicant is, you know, required to get the
23 appropriate permit from the Ohio EPA for that, and
24 our review saw that they did that. That's about as
25 far as I know.

1 Q. So your review of air pollutant emissions
2 was limited to confirming that the Applicant applied
3 for and received the relevant permit, correct?

4 A. That and what the Applicant provided in
5 their application, yes.

6 Q. In -- in your review of the case, did you
7 or anyone else on Staff consider the costs and
8 benefits of -- of heated hot water systems as a means
9 of supplying OSU's heating needs?

10 A. Can you be more specific?

11 Q. Is there something in the question
12 that -- that's --

13 A. The cost and benefits to OSU, I'm sorry.
14 It's still a little breaking up on my end. I'm
15 sorry.

16 Q. Okay. In your review of the -- of this
17 case, did you or anyone else on Staff consider the
18 costs and benefits of heated hot water systems as a
19 means of supplying OSU's heating needs?

20 MS. WACHSPRESS: Your Honor, I don't
21 know -- this is -- I keep going in and out. I'm not
22 sure if there is any way to address this --

23 THE WITNESS: It's happening to me too.

24 MS. WACHSPRESS: -- prior to continuing.

25 ALJ PARROT: I am going to guess -- I

1 think this may still -- I think it looks like
 2 Ms. Fischer had tried to sort of take back the host
 3 role, and then she just gave that back to me so maybe
 4 that will hopefully address the issue. So let's go
 5 ahead and do our best I think to proceed. And then
 6 if it keeps happening though, then we will kind of
 7 take a break and see if we can figure out what's
 8 really going on, but I think it looks like everyone
 9 is with me.

10 MS. WACHSPRESS: Okay.

11 ALJ PARROT: Mr. Holderbaum, can you hear
 12 okay right now?

13 THE WITNESS: I can.

14 ALJ PARROT: Okay. Let's hope this
 15 works.

16 All right. Let's go ahead. And I think,
 17 Ms. Wachspress, maybe if you can just start again
 18 with your question.

19 Q. (By Ms. Wachspress) In your review of
 20 this case, did you or your Staff consider the costs
 21 and benefits of OSU converting to a heated hot water
 22 system to serve its heating needs?

23 A. We, you know, considered what they
 24 provided in the application as the cost and benefits,
 25 yes.

1 Q. And did they provide information in the
2 application relating to the use of heated hot water
3 as a means of providing their heating?

4 A. Did they provide general information or?
5 I'm not exactly sure what you are asking.

6 Q. Did they provide any information in their
7 application regarding the cost and benefits of
8 converting to heated hot water as an alternative to
9 steam for their heating needs?

10 A. I don't -- I'm not sure.

11 Q. In your review of the case, did you or
12 anyone on your Staff consider the cost and benefits
13 associated with the use of solar or wind for
14 electrical generation?

15 A. No.

16 MS. WACHSPRESS: If you will give me one
17 moment.

18 A. Can you hear me?

19 MS. WACHSPRESS: Yeah, I can hear you.

20 Okay. Thank you very much for your time.
21 That's all I have.

22 THE WITNESS: All right. I couldn't
23 tell. Everybody was cutting out on my stream there.
24 I wasn't sure what was going on.

25 ALJ PARROT: All right. Mr. Alexander?

1 MR. ALEXANDER: Your Honor, can you hear
2 me? Your Honor, can you hear me?

3 ALJ PARROT: Kind of.

4 MR. ALEXANDER: Okay. I am trying again.

5 ALJ PARROT: Okay. Go ahead.

6 MR. ALEXANDER: I have no questions.

7 ALJ PARROT: Okay. Thank you.

8 Mr. Lindgren, any redirect?

9 MR. LINDGREN: Briefly.

10 - - -

11 REDIRECT EXAMINATION

12 By Mr. Lindgren:

13 Q. Mr. Holderbaum, did you consider --
14 consider the -- outside the application, the
15 possibility of wind or solar generation?

16 ALJ PARROT: Mr. Lindgren, I think we are
17 still having issues here. All right. I am going --
18 just give me 5 minutes, everyone. Hold tight. Take
19 a quick break if you need one already. I am going to
20 see if this is on our end of things or what's going
21 on so hold tight.

22 (Discussion off the record.)

23 ALJ PARROT: Let's go ahead,
24 Mr. Lindgren, and pick up with your redirect again.

25 MR. LINDGREN: Thank you. Your Honor, I

1 am going to withdraw that last question, and I have
2 no redirect.

3 ALJ PARROT: No redirect, all right.
4 Very good.

5 Well, with that --

6 MR. LINDGREN: Your Honor, I would move
7 for the admission of Mr. Holderbaum's testimony.

8 ALJ PARROT: Okay. Very good. Are there
9 any objections to the admission of Staff Exhibit B as
10 in boy?

11 MS. WACHSPRESS: No, your Honor.

12 MR. ALEXANDER: Not from Ohio State.

13 ALJ PARROT: Staff Exhibit B is admitted.
14 (EXHIBIT ADMITTED INTO EVIDENCE.)

15 ALJ PARROT: Thank you, Mr. Holderbaum.

16 THE WITNESS: Thank you.

17 ALJ PARROT: Give me just a minute. All
18 right. Very good. I think we're good.

19 Mr. Lindgren.

20 MR. LINDGREN: Your Honor, Mr. Margard
21 will be calling our next witness.

22 ALJ PARROT: Okay. Very good.

23 Mr. Margard.

24 MR. MARGARD: Thank you, your Honor.
25 Staff would call Mr. Andrew Conway.

1 ALJ PARROT: All right. Give me just a
2 minute.

3 All right. Mr. Conway, can you hear me?

4 MR. CONWAY: Yes.

5 ALJ PARROT: All right. Very good. If
6 could you raise your right hand.

7 (Witness sworn.)

8 ALJ PARROT: Very good. Mr. Margard.

9 MR. MARGARD: Thank you, your Honor.

10 - - -

11 ANDREW CONWAY

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

14 DIRECT EXAMINATION

15 By Mr. Margard:

16 Q. State your name, please.

17 A. Andrew Conway.

18 Q. And by whom are you employed and in what
19 capacity?

20 A. I am employed by the Public Utilities
21 Commission as an engineering specialist.

22 Q. Mr. Conway, do you have before you what's
23 been marked as Staff Exhibit C?

24 A. Yes, I do.

25 Q. Can you identify that for us, please.

1 A. That's my prefiled testimony -- written
2 testimony.

3 Q. And was this prepared by you or at your
4 direction?

5 A. Yes, it was.

6 Q. Do you have any corrections or changes of
7 any kind to that testimony as filed?

8 A. Yes. I have two corrections. On page 3,
9 question and answer 8, line 18. It reads "Yes.
10 Initially, I consulted by sending an e-mail on
11 12/13/27/201." I would like to change that 12/13,
12 the phrase of numbers, to "12/13/2019."

13 Q. Thank you. And you had a second
14 correction?

15 A. Yes. On -- on page 5, question and
16 answer 10, line 22, after the word "surroundings,"
17 there should be a paragraph break. And where it
18 begins "This condition is," that should be a new
19 paragraph.

20 Q. No change to the substance of the answer,
21 just to form?

22 A. Correct.

23 Q. Thank you very much. Any other changes
24 or corrections of any kind?

25 A. No.

1 Q. And if I were to ask you the same
2 questions contained in your testimony as written
3 there, would your responses today be the same?

4 A. Yes.

5 Q. And in your opinion are those responses
6 true, accurate, and reasonable?

7 A. Yes, they are.

8 MR. MARGARD: Thank you, sir. Your
9 Honor, I respectfully move for the admission of
10 Mr. Conway's testimony, subject to cross, and tender
11 the witness for that purpose.

12 ALJ PARROT: Thank you, Mr. Margard.

13 Any questions for this witness,
14 Ms. Wachspress?

15 MS. WACHSPRESS: Yes, your Honor.

16 - - -

17 CROSS-EXAMINATION

18 By Ms. Wachspress:

19 Q. Mr. Conway, you were responsible for the
20 environmental impact analysis for the proposed
21 facility as part of the Staff Report, correct?

22 A. I was -- I wrote the portions of the
23 Staff Report pertaining to the project description,
24 wind velocity, public safety, fire protection system,
25 air, water, solid waste, and aviation section, the

1 water conservation section, and I also sponsored the
2 three conditions.

3 Q. All right. Were you responsible for
4 reviewing the proposed facility's compliance with
5 Section 4906 10(A)(2) and (A)(3)?

6 A. Yeah, portions of that, not the complete
7 (A)(2) and not the complete (A)(3). I wrote portions
8 of the -- I was the primary analyst -- analyst for
9 the sections of that -- of that (A)(2) and (A)(3)
10 that you mentioned.

11 Q. And if I could direct your attention to
12 page -- the question 9 of your testimony at page 5;
13 page 5, line 8.

14 A. Yes. I see that.

15 Q. Okay. And you state "I was able to glean
16 the nature of the probable environmental impacts,
17 determine if the Applicant minimized those adverse
18 environmental impacts from the CHP facility, and
19 whether the Applicant would likely comply with Ohio's
20 air pollution, water pollution, solid waste, and
21 aviation regulations," correct?

22 A. Yes. For my section, yeah, I wrote that.

23 Q. Okay. And when you say that you were
24 able to determine if the Applicant minimized those
25 adverse environmental impacts, to what are you

1 comparing the CHP facility?

2 A. Environmental is -- is -- is a broad
3 definition, and we look at not just the ecological
4 impacts but a wide range of impacts, roads and
5 bridges, archeological impacts, threatening
6 endangered species. The sections that I wrote which
7 were the wind velocity; the public safety; the air,
8 water, solid waste, and aviation impacts; the water
9 conservation, just to name a few, that's what we --
10 we define environmental as a broad impact so I was
11 able to determine that the sections that were -- I
12 analyzed those were minimized.

13 Q. Minimized as to what? Excuse me.
14 Minimized relative to what?

15 A. Minimization is -- can be categorized in
16 totality of the project. We look at the size; the
17 acreage of the project, it's only 2 acres; looked at
18 the air pollution, what technologies they have in
19 place, just to name a few. Minimization is typically
20 we see an applicant can minimize its impact in at
21 least three ways. It could avoid the impact, they
22 could minimize or lessen the impact, or they could
23 mitigate the impact which would be to put some sort
24 of control technology or have a plan in place.

25 So I looked at this particular

1 application, the proposal in front of me, and made
2 sure that they had those state-of-the-art technology,
3 plans in place, at least for my sections, and then
4 Staff as a team looked at all -- all of the impacts,
5 all the environmental impacts from the facility
6 and -- and produced the Staff Report.

7 Q. Did you compare the project's
8 environmental impacts to a plan if the University
9 made the conversion to a heated hot water system?

10 A. Partially on Table -- I believe on page
11 39 of the application, Table 9, the Applicant
12 proposed a -- a no CHP option and that didn't have
13 some of the flexibility, didn't -- had significant
14 costs so that was an option that we analyzed.

15 I'm sorry. You were muted.

16 Q. But so do you understand the no CHP
17 option in Table 9 to represent the conversion to a
18 heated hot water system by OSU?

19 A. That was one of the options that the
20 Applicant provided and we analyzed it.

21 Q. Could you direct me to where on -- in the
22 application the Applicant makes reference to
23 conversion to a heated hot water system with respect
24 to the application?

25 A. On Table 9, it looks like eighth column

1 down, "steam to hot water -- HH water conversion,"
2 that line has heated hot water as an option.

3 Q. Yes. And if I am correct, could you tell
4 me what it says under the no CHP option for that
5 line, heated hot water conversion?

6 A. It says "No."

7 Q. No. And then if you go over to the next
8 column, it says "Major asset to enable heated hot
9 water switch," correct?

10 A. That's correct.

11 Q. So is it accurate to say that this table
12 describes -- compares a scenario in which there is no
13 steam to heated hot water conversion to a scenario in
14 which the CHP is built and there is the option of
15 conversion in the future?

16 A. Yeah. The CHP is -- gives them that
17 flexibility.

18 Q. Okay. So you did not compare the
19 construction of the CHP facility as an alternative --
20 as an alternative to doing the conversion now and
21 utilizing alternative forms of generation?

22 A. No. That's not the proposal in front of
23 us. The proposal is a CHP facility.

24 Q. So in assessing whether it minimized the
25 environmental impacts of the proposed facility, you

1 did not compare those environmental impacts to the
2 alternative of heated hot water?

3 A. Could you repeat the -- rephrase the
4 question? I didn't understand.

5 Q. So in concluding that the Applicant had
6 minimized the environmental impacts, you did not
7 compare the environmental impacts of the proposed
8 facility to a heated hot water facility?

9 MR. ALEXANDER: Your Honor, could I have
10 that question read, please.

11 (Record read.)

12 MR. ALEXANDER: I am going to object as
13 to vagueness. I don't know what a heated hot water
14 facility is in this context.

15 MS. WACHSPRESS: I can try again, your
16 Honor.

17 ALJ PARROT: All right.

18 Q. (By Ms. Wachspress) So in concluding that
19 the proposed facility minimized environmental
20 impacts, you did not compare the proposed facility to
21 a heating system that utilizes heated hot water.

22 MR. ALEXANDER: Objection, incomplete
23 hypothetical. There is no such alternative that's
24 been introduced and, therefore, we can't ask the
25 witness whether he did a comparison to something

1 that's purely hypothetical.

2 MS. WACHSPRESS: Your Honor, I think the
3 record is replete with examples of heated hot water
4 conversions performed by other universities to
5 facilitate the use of geothermal and heat exchangers.
6 In fact, it was Applicant's own materials.

7 ALJ PARROT: Overruled.

8 A. No. The steam production -- and I direct
9 you to page 7 of the Staff Report on the steam
10 production. "The steam produced in the CHP facility
11 would be used in any of the following combinations:
12 To produce electrical power in the steam turbine
13 generator, supplement the existing main campus steam
14 network, or produce hot water heating through the
15 heat exchanger to feed a new district heating and
16 cooling system." So they are going to use heated hot
17 water.

18 The Applicant did propose alternatives.
19 One such example was listed on Table 9, page 39. But
20 the proposal in front of us is a CHP system, so we --
21 when we look at minimizing the adverse environmental
22 impact, Staff looks at not just one particular option
23 or one category, but environmental impacts as far as
24 it's used by OPSB Staff is a whole host of
25 environmental impacts such as the size of the

1 facility, the impact to the grid, the sections that I
2 analyzed, water, conservation practice, wind
3 velocity, so we looked at all of those impacts, not
4 just -- not just one.

5 Your question is a little difficult to
6 answer in its -- in that they did consider a hot --
7 HHW system they are going to use at -- and then
8 Table 9 indicates that they have the ability to use
9 that in the future so that is -- that is an option.

10 Q. So to refer to page 7 of the Staff
11 Report, you state -- the Staff Report reads that "or
12 produce hot water heating through a heat exchanger to
13 feed a new district heating and cooling network." Is
14 it correct to say that that heated hot water system
15 will actually be heated by steam generated through
16 the CHP facility and not through heated hot water
17 that's generated directly through other heating
18 mechanisms?

19 A. Yes. The steam production will go
20 towards heating that hot water.

21 Q. Okay. So just -- so the record is clear,
22 you did not compare the environmental impact of this
23 facility as to -- as opposed to an alternative that
24 as of the present moment, or subject to construction,
25 utilizes heated hot water in combination with

1 geothermal or heat exchangers as a way of providing
2 the University's heating needs?

3 MR. ALEXANDER: Objection, your Honor.
4 Once again, there is no such geothermal or other
5 generation source at issue in this case, therefore,
6 there would be nothing to compare it to.

7 MS. WACHSPRESS: Your Honor, I feel like
8 we are going in circles. I just asked this question.
9 I got an answer that was marginally responsive, and I
10 asked it again. We are having the same objection on
11 the same issue.

12 ALJ PARROT: Overruled. If the witness
13 has not done that investigation, the witness can say
14 that.

15 A. Could you repeat the question, please?

16 MS. WACHSPRESS: I'm sorry, Ms. Gibson.
17 Could you -- could you read it back.

18 (Record read.)

19 A. I did research geothermal to an extent.
20 I found that the University did install geothermal a
21 few years ago and it seemed to be overbudget. And
22 then also on page 17 of the application from -- page
23 16, "These cavernous zones" -- at the bottom line
24 "These cavernous zones created many problems during
25 well development for this geothermal project

1 including guisers spouting out previously drilled
 2 holes while drilling new wells." So there were some
 3 issues with the geothermal project that was -- that
 4 was begun or initiated a few years ago at the
 5 University. The proposal in front of us is a
 6 combined heat and power project, so we looked at that
 7 project and we looked at the technology that they
 8 would install and we -- we did not look at -- we
 9 didn't propose another alternative for the Applicant.
 10 We -- they proposed a CHP project. We looked at it.
 11 We looked at what was proposed in front of us.

12 Q. So your conclusion that the proposed
 13 facility minimize -- represents the minimum adverse
 14 environmental impacts is not based on a comparison
 15 you did to a facility as an alternative?

16 MR. ALEXANDER: Object, asked and
 17 answered.

18 MS. WACHSPRESS: I am trying to clear up
 19 the record, your Honor.

20 ALJ PARROT: Overruled. I think it's a
 21 better question.

22 Go ahead, Mr. Conway.

23 THE WITNESS: Could I have the question
 24 read back, please?

25 (Record read.)

1 A. I think I already answered that. The
2 reason that we didn't propose -- or we didn't analyze
3 another completely different technology for electric
4 generation and steam needs other than the -- excuse
5 me, the -- we looked at the no CHP option as one
6 example. And we researched at least the geothermal
7 project, found some difficulties. But we looked at
8 the proposal in front of us, the CHP and whether it
9 minimized adverse environmental impacts
10 considering -- wait a minute, considering the state
11 of the available technology and the nature and
12 economics of the various alternatives and other
13 pertinent considerations. So we looked at that.

14 Q. Okay. Thank you. If you give me just
15 one moment. Do you -- you state as part of your
16 testimony you contacted Columbia Gas as part of your
17 investigation, correct?

18 A. That's correct.

19 Q. And as -- did you inquire into the
20 source, the likely source for the fuel to be used at
21 the proposed facility?

22 A. Yes. I researched the source.

23 Q. And is that source likely to be fracked
24 gas from shale deposits?

25 A. It can be. It could also be there is

1 a -- there is a connection from Lebanon, Ohio, which
2 is in southwest Ohio to the Columbus area which
3 has -- is a hub where multiple pipelines intersect,
4 and it can be -- can be from Colorado or the Gulf as
5 well.

6 Q. Did you inquire into the environmental
7 impacts associated with the extraction and
8 transportation of that gas?

9 A. No.

10 MS. WACHSPRESS: Thank you, your Honor.
11 I think that's it for me.

12 ALJ PARROT: Any questions for this
13 witness, Mr. Alexander?

14 MR. ALEXANDER: No questions, your Honor.
15 Thank you.

16 ALJ PARROT: All right. Any redirect,
17 Mr. Margard?

18 MR. MARGARD: No, no redirect. Thank
19 you, your Honor.

20 ALJ PARROT: Okay. Very good.

21 MR. MARGARD: I respectfully renew my
22 motion to admit the exhibit.

23 ALJ PARROT: Are there any objections to
24 the admission of Staff Exhibit C?

25 MS. WACHSPRESS: None from Sierra Club,

1 your Honor.

2 MR. ALEXANDER: And none from Ohio State.

3 ALJ PARROT: Okay. Very good. Staff
4 Exhibit C is admitted into the record.

5 (EXHIBIT ADMITTED INTO EVIDENCE.)

6 ALJ PARROT: Thank you, Mr. Conway.

7 All right. Let's go off the record

8 (Discussion off the record.)

9 ALJ PARROT: Let's go back on the record.

10 The parties have discussed while we were
11 off the record a briefing schedule, but before we get
12 to that, is there anything else from the Applicant or
13 any of the other parties before I set out the
14 briefing schedule?

15 MR. ALEXANDER: No, your Honor.

16 MS. WACHSPRESS: No, your Honor.

17 ALJ PARROT: Okay. Very good. With that
18 the parties have agreed to file initial briefs on
19 Friday, August 7, and reply briefs on Wednesday,
20 August 19.

21 Is there anything else we need to
22 discuss? Just also note that we expect transcripts
23 in this matter will be filed around July 22
24 approximately.

25 Anything else?

1 MR. ALEXANDER: On behalf of Ohio
2 State -- are we off?

3 ALJ PARROT: Okay. Hearing nothing, we
4 are adjourned.

5 (Thereupon, at 10:58 a.m., the hearing
6 was adjourned.)

7 - - -

8 CERTIFICATE

9 I do hereby certify that the foregoing is
10 a true and correct transcript of the proceedings
11 taken by me in this matter on Wednesday, July 15,
12 2020, and carefully compared with my original
13 stenographic notes.

14

15

16 Karen Sue Gibson, Registered
17 Merit Reporter.

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19 (KSG-6932)

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Summary: Transcript in the matter of The Ohio State University hearing held on 07/15/20 - Volume II electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.