

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the :
 Application of Moraine :
 Wind, LLC, for :
 Certification as an : Case No. 21-516-EL-REN
 Eligible Ohio Renewable :
 Energy Source Generating :
 Facility. :

In the Matter of the :
 Application of Rugby Wind, :
 LLC, for Certification as :
 an Eligible Ohio Renewable: Case No. 21-517-EL-REN
 Energy Resource Generating:
 Facility. :

In the Matter of the :
 Application of Elm Creek :
 II for Certification as an: :
 Eligible Ohio Renewable : Case No. 21-531-EL-REN
 Energy Resource Generating:
 Facility. :

In the Matter of the :
 Application of Buffalo :
 Ridge II for Certification: :
 as an Eligible Ohio : Case No. 21-532-EL-REN
 Renewable Energy Resource :
 Generation Facility. :

In the Matter of the :
 Application of Barton :
 Windpower 1 for :
 Certification as an : Case No. 21-544-EL-REN
 Eligible Ohio Renewable :
 Energy Resource Generation:
 Facility. :

In the Matter of the :
 Application of Barton :
 Windpower, LLC, for :
 Certification as an : Case No. 22-380-EL-REN
 Eligible Ohio Renewable :
 Energy Resource Generation:
 Facility. :

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PROCEEDINGS

before Ms. Jacky Werman St. John and Mr. David Hicks,
Attorney Examiners, at the Public Utilities
Commission of Ohio, 180 East Broad Street, Room 11-C,
Columbus, Ohio, called at 9:04 a.m. on Tuesday,
December 6, 2022.

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VOLUME II

- - -

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1 Tuesday Morning Session,
2 December 6, 2022.

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4 EXAMINER HICKS: Let's go ahead and go
5 back on the record.

6 We are reconvening this morning in Case
7 No. 21-516-EL-REN, et al. I am still David Hicks.
8 This is still Jacky St. John. Let's just go do quick
9 appearances. Don't need the whole thing, just name,
10 party. Start with the Applicants and then let's just
11 go around the room.

12 MS. WHITFIELD: Sure. On behalf of the
13 Applicants and Avangrid Renewables, LLC, Angie Paul
14 Whitfield, Carpenter Lipps and Leland.

15 MR. RYAN: On behalf of the Northern
16 Indiana Public Service Company, John Ryan.

17 MS. BOJKO: Your Honor, on behalf of Blue
18 Delta Energy, LLC, Kim Bojko and John Wygonski with
19 Carpenter Lipps and Leland.

20 MR. WHITT: On behalf of Carbon Solutions
21 Group, LLC, Mark Whitt and Mark DeMonte with Whitt
22 Sturtevant.

23 MR. LINDGREN: On behalf of the
24 Commission Staff, Thomas Lindgren and Jodi Bair,
25 Assistant Attorneys General.

1 MS. WOODS: And on behalf of Intervenor
 2 3Degrees, Nicole Woods with the law firm Ice Miller.

3 EXAMINER HICKS: Thank you all. I
 4 believe we left off yesterday with Mr. Stewart having
 5 been called. Karen -- you can go ahead and come up,
 6 Mr. Stewart. I believe I swore you in; is that
 7 correct, Karen?

8 COURT REPORTER: Yes.

9 EXAMINER HICKS: So you are still under
 10 oath. Did we already -- I believe he was made
 11 available for cross-examination, if I am remembering
 12 where we left off.

13 MS. BOJKO: I believe so, your Honor.

14 EXAMINER HICKS: Okay. With that I will
 15 turn it over to -- are you handling it, Ms. Bojko?

16 MS. BOJKO: Yes.

17 EXAMINER HICKS: Then I will turn it over
 18 to you.

19 MS. BOJKO: Thank you, your Honor.

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1 TRAVIS STEWART

2 being previously duly sworn, as prescribed by law,
3 was examined and testified further as follows:

4 CROSS-EXAMINATION

5 By Ms. Bojko:

6 Q. Good morning, Mr. Stewart. My name is
7 Kim Bojko, and I represent Blue Delta in this case.
8 Let's turn to -- first of all, I guess a refresher
9 course from yesterday. You've filed direct testimony
10 in this case; is that correct?

11 A. Yes, it is.

12 Q. And that was filed August 26, 2022?

13 A. That's correct.

14 Q. And you did not file supplemental
15 testimony, correct?

16 A. I did not.

17 Q. Let's turn to page 3 of your testimony
18 then. Page 3, line 60, here you recognize that the
19 six facilities at issue in this case have to certify
20 their facilities as qualifying renewable energy
21 resources in Ohio in order for the facilities to
22 generate Ohio renewable energy certificates; is that
23 correct?

24 A. Generally, yes.

25 Q. And you understand the term renewable

1 energy certificates to mean RECs?

2 A. Yes.

3 Q. And Ohio -- after a facility becomes
4 certified, then those Ohio REC certificates can be
5 used to satisfy Ohio's renewable portfolio standards;
6 is that correct?

7 A. That's my understanding.

8 Q. And some people call that the RPS
9 standards or also a term Alternative Energy Portfolio
10 Standards, AEPS, is often used; is that your
11 understanding?

12 A. Yes.

13 Q. On page 3 still of your testimony, lines
14 63 to 65, you explain that a facility owner must show
15 that energy from the facility is deliverable into
16 Ohio, correct?

17 A. That's correct. Right there on line 64,
18 yes.

19 Q. And you quote the term because the
20 statutory provision is "deliverable into"; is that
21 correct?

22 A. So if you go down to question 8, I
23 reference PUCO rules, particularly line 70,
24 "deliverable into the state" and there is an
25 explanation. That's what I am referencing.

1 Q. Okay. So you are referencing
2 4901:1-40-01(F) of the Ohio Administrative Code when
3 you quote "deliverable into"; is that correct?

4 A. That's correct.

5 Q. Are there any other requirements that
6 need to be satisfied in Ohio law to become a
7 certified renewable energy resource?

8 A. There are but my -- my testimony today
9 I'm not testifying as an expert on all areas of Ohio
10 law. There are qualification standards. There are
11 technology limitations. There are -- there are a lot
12 of different details in there. But really the focus
13 of my testimony has been on deliverability issues and
14 the narrow issues in this case.

15 Q. So you understand that here today there
16 are two other requirements besides deliverability in
17 Ohio law that needs to be satisfied to become
18 certified as a qualifying renewable energy resource
19 in Ohio?

20 A. I'm sorry, counselor. I am not familiar
21 with what other requirements you are referring to.

22 Q. Okay. And so it's fair to say that you
23 are focusing on deliverability, and you are not here
24 today to opine on any other criteria, correct?

25 A. So, counsel, I would just like to refer

1 you to page 2, line 45, continuing to page 3, down
2 through line 56. These are the areas in which my
3 testimony -- my direct testimony was provided in this
4 case.

5 Q. So you are not offering any opinions on
6 any other criteria then the deliverability criteria;
7 is that correct?

8 A. Counsel, page 2, question 6, extending
9 down through page 3, line 56, those are all the areas
10 in which I am offering an opinion in this case.

11 Q. And all of those areas that you are
12 offering opinion on deal with the deliverability
13 criterion, not any other criterion in Ohio law,
14 correct?

15 A. Counselor, I -- any other area in Ohio
16 law, can you be a bit more specific for me, please?

17 Q. I said any other criterion. You do
18 understand that there are three main criteria --
19 criterions that we are here focused on today which is
20 the placed-in-service date, the type of qualifying
21 renewable resource, and then deliverability; is that
22 your understanding?

23 A. Yes, it is.

24 Q. So you are only focusing out of those
25 three on the deliverability criterion, correct?

1 A. That's correct. The information
2 regarding the in-service date and the information
3 regarding the technology, those are provided in the
4 applications, and it is not the subject of my direct
5 testimony.

6 Q. Okay. And you've already referenced
7 40-01(F) of the Administrative Code. The other --
8 your testimony focuses on 4928.64(B)(3) which is
9 stated on line 67, correct?

10 A. That's correct.

11 Q. And I see that you are a lawyer, sir.
12 Are you testifying today as a lawyer?

13 A. I am not.

14 Q. And so then it's fair to say you are not
15 offering any legal opinions; is that correct?

16 A. That's correct.

17 Q. And also on line 80 and 81 of your
18 testimony, you state that you offer no opinion on
19 whether the Commission can or should interpret the
20 terms differently; is that correct?

21 A. That's correct.

22 Q. And are you licensed to practice law in
23 Ohio, sir?

24 A. I am not.

25 Q. Have you ever been employed by a Regional

1 Transmission Organization?

2 A. I have not.

3 Q. Have you ever been employed by a member
4 of a regional transmission organization?

5 A. Yes.

6 Q. Which one?

7 A. There's a company that is internal to our
8 firm Gabel Associates that is referred to as Jersey
9 Green. That is a PJM member and I am their
10 representative that manages that account.

11 Q. But you are employed by Gabel's. You are
12 not employed by the actual member, are you?

13 A. Jersey Green is embedded within Gabel
14 Associates. I'm a -- I am hired -- I am employed by
15 Gabel Associates.

16 Q. Okay. Today you are not here to testify
17 on behalf of or speak for a Regional Transition
18 Organization, are you?

19 A. No. I am testifying today on behalf of
20 Carbon Solutions Group.

21 Q. So you're not here to testify on behalf
22 of or speak for the market participant that you just
23 stated you are employed for, correct?

24 A. No, counselor. I am on behalf of Carbon
25 Solutions Group.

1 Q. And CSG, Carbon Solutions Group, is not a
2 member of PJM; is that correct?

3 A. I don't have any independent knowledge if
4 they are a member or if they are in an application
5 process, so I cannot verify that, sorry.

6 Q. Okay. CSG -- is it okay if I call them
7 CSG?

8 A. Yes, yeah. That's fine.

9 Q. Is an aggregator of solar renewable
10 energy credits mostly for residential solar panels;
11 is that correct?

12 A. That is not part of my testimony. It's
13 my understanding of CSG's business model; however, I
14 am not an expert on everything they do.

15 Q. But you do know that CSG procures and
16 sells RECs; is that correct?

17 A. That's correct.

18 Q. And you are not an engineer, are you,
19 sir?

20 A. I am not.

21 Q. Let's turn to page 5, lines 123, 124 of
22 your testimony. You define a TSR as transmission
23 services reservations; is that correct?

24 A. That's correct.

25 Q. And then turn to page 7 of your

1 testimony, line 168. Here you define TSR as a
2 transmission service request; is that correct?

3 A. 168, that's -- in the question, yes,
4 that's correct.

5 Q. So do you use those terms
6 interchangeably?

7 A. I do. I apologize, counsel. I could
8 have been a bit more clear in my testimony.

9 Q. On page 5 of your testimony, lines 108
10 through 121, you state that RTOs do not exist
11 primarily to conduct simulations, experiments, and
12 academic research about the nature of
13 electromagnet -- magnetism and that their work is
14 done in service of the ultimate goal of ensuring
15 actual physical deliverability; is that correct?

16 A. Lines 114 through 115, I say "Their
17 primary mission is to manage electricity markets to
18 ensure that electricity can physically deliverable --
19 physically be delivered to all loads."

20 Q. So are you disputing that you also say on
21 line 112 that they do not exist primarily to conduct
22 simulations, experiments, and research?

23 A. That is not their primary purpose.

24 Q. So you agree that that's your testimony
25 today.

1 A. My testimony at lines 112 through 114 is
2 my testimony today, yes.

3 Q. I'm sorry. I thought you were quibbling
4 with something I said.

5 A. Not at all.

6 Q. Mr. Stewart, are you asserting that RTOs
7 do not use modeling to determine actual physical
8 deliverability?

9 A. I do not assert that, no.

10 Q. Do you believe that modeling can be used
11 to demonstrate actual physical deliverability?

12 A. The degree of the modeling can be used to
13 assert actual physical deliverability but there are
14 distinctions, and in this case one of the more
15 important items has been this question as to whether
16 or not a DFAX study that purports to take power from
17 one location to another really is -- is just
18 taking -- it's just modeling power from point B to
19 point C but not power from point A to point B to
20 point C.

21 And in order to get there, the RTOs
22 conduct more granular simulations. They have
23 generator deliverability tests. They have system
24 impact studies which account for things like
25 congestion, things like limits on the transmission

1 system.

2 And in accounting for all of those
3 things, what happens is there is a determination of
4 deliverability. And like the Applicants today have
5 already been through in MISO, those facilities are
6 deliverable sometimes on a firm basis and many --
7 many cases here on a non-firm basis to those loads in
8 MISO. So deliverability can be determined through
9 more granular modeling, just not very high level
10 modeling.

11 MS. BOJKO: Your Honor, I move to strike
12 everything after I believe he did he say yes at the
13 beginning of that long-winded response. So I move to
14 strike everything after it as nonresponsive to my
15 question. It was a yes or no question.

16 EXAMINER HICKS: I will deny the motion
17 to strike. Continue your questioning.

18 Q. (By Ms. Bojko) So, Mr. Stewart, you would
19 agree that it's impossible to actually track physical
20 electrons, right?

21 A. Impossible to actually track electrons,
22 I'm sorry, counsel, in which context?

23 Q. Do you believe that electrons are
24 earmarked and you can track an electron that's
25 produced from a generating facility to an end load

1 source?

2 A. No. That's -- that's not my testimony.

3 Q. So for a system with multiple points of
4 generation and consumption, you agree that we would
5 have to rely on modeling, correct?

6 A. I'm sorry, counsel. Rely on modeling for
7 what?

8 Q. Rely on modeling to determine when there
9 is a generation inputted into the electric grid and
10 then when generation is exported from the electric
11 grid to load. You have to use modeling to determine
12 where the electrons impact the system.

13 A. I'm sorry, counsel. Can you reframe the
14 question?

15 Q. Sure. You would agree that you have to
16 use modeling -- an RTO would have to use modeling in
17 order to determine impacts on system when generation
18 is inputted in multiple points on a system.

19 A. In order to assess a system impact, an
20 RTO or any electric utility would have to model
21 individual generators or multiple generators to
22 assess that impact on its system, correct.

23 Q. Let's turn to page 5 of your testimony,
24 line 123 through page 6, line 131, so question and
25 answer 12 is what I am on.

1 A. Right.

2 Q. Here you state that RTOs use TSR to
3 demonstrate physical deliverability; is that correct?

4 A. My testimony is that deliverability is
5 demonstrated through interconnection, TSR, or
6 obligations to schedule specific energy and then
7 continues down through line 131, but a TSR process
8 can be used to demonstrate deliverability.

9 Q. So here are you using that term to mean
10 transmission services reservation or a request?

11 A. It would be the -- again, referring to my
12 earlier testimony on this point that two are --
13 they're equivalent, so a transmission service
14 reservation or transmission service request would
15 initiate the process to demonstrate deliverability to
16 a specific load from a specific generator.

17 Q. Are you familiar with the term IDC,
18 interconnection distribution calculator?

19 A. Familiar with it but not -- I would say I
20 am familiar with it in terms of the interconnection
21 process, how it comes in, but I wouldn't say that
22 I -- I don't operate one. I don't own one. I don't
23 run modeling for one so.

24 Q. So you don't know exactly how it works;
25 is that fair?

1 A. I would say that's fair.

2 Q. And do you know that it does, in fact,
3 use a DFAX study as its basis?

4 MR. WHITT: Objection. The witness just
5 testified he doesn't know what this thing is. It
6 calls for speculation.

7 MS. BOJKO: I'm sorry. I will rephrase.
8 I was more asking what he does or doesn't know.

9 Q. (By Ms. Bojko) Do you know whether the
10 IDC uses a DFAX study as its basis?

11 A. I'm sorry. I don't know if the IDC is in
12 PJM, if it's in MISO, if it's in ISO New England.

13 Q. So you just don't know.

14 A. I just don't know. Sorry.

15 Q. Are you aware that the IDC is a NERC
16 tool, not a particular RTO tool?

17 A. Counselor, I am not testifying here as an
18 engineer. I am not NERC certified.

19 Q. So you don't know.

20 A. I don't know.

21 Q. Let's look at lines 125 to 127 of your
22 testimony. Here you also state that the TCRs, in
23 turn, rely on system impact studies to demonstrate
24 deliverability; is that correct?

25 A. That's correct.

1 Q. And in footnote 3 on page 6 of your
2 testimony, you state that the MISO Business Practice
3 Mean -- Manual 11 and PJM Manual 14A discuss system
4 impact studies in detail; is that correct?

5 A. My testimony just between -- I do provide
6 those two references, but to clarify my testimony
7 between lines 130 and 131 is MISO Business Practice
8 Manual 11 addresses these topics in detail referring
9 to the topics immediately addressed before that in
10 lines 127 to 129.

11 Q. So your testimony with the footnote is
12 really a cite to the PJM Interconnection manual, not
13 to the -- excuse me. I said that reverse. Strike
14 that.

15 Your testimony in lines 127 to 131 is
16 really referencing the MISO Business Practice Manual
17 11, not the PJM manual; is that fair?

18 A. It's referencing both. But the footnote
19 references both, and the significance of that is that
20 we are dealing with MISO interconnected resources
21 that are being determined whether or not they were
22 deliverable to specific Ohio loads in PJM, so both
23 processes are relevant and need to be understood for
24 that process.

25 Q. Sure. But I think when focusing on the

1 footnote here, you talk only about MISO in the -- as
2 I understand it, the sentence with the footnote is
3 about MISO's Business Practice Manual 11 addresses
4 these topics in detail, but then you also cite to the
5 PJM manual.

6 A. Yes.

7 Q. So you are talking that this only
8 addresses MISO, is that correct, in detail?

9 A. While the specific language does say that
10 you can find more detail in MISO BPM 11, there is
11 similar detail in the PJM Manual 14A.

12 Q. Thank you for that clarification because
13 I didn't see that in your testimony. That's what I
14 was asking so.

15 A. Okay. I understand.

16 Q. And just for the record, you understand,
17 and I think you just stated, MISO and PJM, we just
18 kind of just jumped into those terms, are both
19 Regional Transmission Organizations, right?

20 A. Yes. MISO is the Midcontinent
21 Independent System Operator, and PJM is PJM
22 Interconnection, LLC. MISO manages the midwestern
23 portion of the country, south through Louisiana,
24 north all the way up to the Dakotas. PJM has
25 northern Illinois and then a number of other states

1 including Ohio in it.

2 Q. And they touch -- many of the states
3 touch each other, is that fair, between MISO and PJM?

4 A. MISO and PJM have a robust seam or a
5 border that is common, yes.

6 Q. They also have an interconnection
7 agreement between the two, is that correct, joint
8 operating agreement?

9 A. Joint operating agreement, yes.

10 Q. Going back to 125 and 127, when we talk
11 about the system impact study referenced in your
12 testimony, isn't it true that a system impact study
13 includes a distribution factor or power flow
14 analysis?

15 A. Oh, of course, and it's -- it's important
16 to note that while we are determining deliverability,
17 nothing in my testimony says that DFAX is not a step
18 in that process. It is a step, and it is an
19 important step, but it's not the complete analysis in
20 order to determine deliverability.

21 MS. BOJKO: Your Honor, I move to strike
22 after, yes, of course. He's being nonresponsive to
23 my question.

24 EXAMINER HICKS: Karen, can you read back
25 the answer -- or the question and answer, please.

1 (Record read.)

2 EXAMINER HICKS: Anything, Mr. Whitt?

3 MR. WHITT: I think he is just explaining
4 what he meant by what he said, of course, and
5 explaining that qualifier which is responsive to the
6 question.

7 EXAMINER HICKS: I will grant the motion
8 to strike the answer after, yes, of course. You can
9 develop things further when it's your turn,
10 Mr. Whitt.

11 MR. WHITT: Thank you.

12 MS. BOJKO: Your Honor, at this time I
13 would like to mark for identification purposes Blue
14 Delta Exhibit 3, I believe, PJM Manual 14A dated
15 August 24, 2021.

16 EXAMINER HICKS: So marked.

17 (EXHIBIT MARKED FOR IDENTIFICATION.)

18 MS. BOJKO: May I approach, your Honor?

19 EXAMINER HICKS: Sure.

20 Q. (By Ms. Bojko) Sir, do you have in front
21 of you what's been marked as Blue Delta Exhibit 3
22 which is the PJM Manual 14A dated August 24, 2021?

23 A. That is that Revision 29 effective on
24 August 24, 2021, yes.

25 Q. And, Mr. Stewart, are you familiar with

1 this document I just handed you?

2 A. I'm generally familiar with PJM Manual
3 14A. I will note that these documents are subject to
4 ongoing revision, so I am not aware if this is the
5 most recent version of Manual 14A.

6 Q. Okay. And you are familiar with PJM
7 Manual 14 itself, correct?

8 A. I am but I don't -- I don't know every
9 word in it but generally I am familiar.

10 Q. Let's turn to page 24. Can we look at
11 the third paragraph, I guess the third full paragraph
12 on that page. Here it's stating that a system impact
13 study includes a powerflow analysis; is that correct?
14 I'm sorry. I guess it's really the second full
15 paragraph on page 24.

16 A. Under the subsection that begins on
17 Section -- on page 23, Section 4.3 System Impact
18 Study and then Section 4.3.1 System Impact Study
19 Analysis and Schedule?

20 Q. Yes.

21 A. And then continuing on page 24, system
22 impact study includes AC powerflow analysis and short
23 circuit analysis. Is that the paragraph that you are
24 referring to?

25 Q. Yes.

1 A. Yes.

2 Q. So you would agree that the PJM manual --
3 excuse me. Strike that.

4 You would agree that a system impact
5 study includes a powerflow analysis, correct?

6 A. According to this document, which I
7 believe is the most recent version, it is -- I don't
8 know -- is this the most recent version of the
9 document?

10 Q. That's my understanding.

11 A. Okay. It says "The System Impact Study
12 includes AC powerflow analysis and short circuit
13 analysis."

14 Q. If we turn to page 25 of the document,
15 under 4.3.1.3 Light Load Common Mode Outage
16 Procedure," are you there?

17 A. I am.

18 Q. Isn't it true that a system impact study
19 considers the distribution factor results of a power
20 flow study?

21 A. Sorry, counsel. I just want to make sure
22 I am reading the right section here. You are
23 referring to Section 4.3.1.3?

24 Q. Yes.

25 A. Thank you.

1 Q. It talks about a new service request and
2 that they do a distribution factor test when
3 considering new service?

4 A. Thank you, counsel. I am just ensuring I
5 am familiar with this paragraph before I answer any
6 of your questions.

7 Q. Sure. Of course. Take your time.

8 A. Thank you. Counsel, can you repeat your
9 question, please?

10 Q. Isn't it true that a system impact study
11 considers the distribution factor results of a power
12 flow study?

13 A. Within the context of Section 4.3.1.3?

14 Q. Yes. It does in general as well but that
15 context is fine.

16 A. I'm sorry, counsel. I don't mean to be
17 difficult, but I'm -- I'm confused. You had asked me
18 an initial question about this section and then you
19 had been referring to something different and I
20 just -- I just need a little bit more clarity if you
21 wouldn't mind.

22 Q. Sure. And just to back up, you did state
23 that you are familiar with PJM Manual 14A and that
24 you have reviewed this revision as well as other
25 revisions.

1 A. I don't know if this is the most recent
2 revision.

3 Q. It -- subject to check, I will confirm
4 that we just checked just to make sure that it is the
5 most recent version.

6 A. Thank you. I am familiar with the
7 document.

8 Q. Okay. Okay. Oh, well, that's a good
9 point. You did cite to this testimony in your
10 document, did you not?

11 A. I did.

12 Q. Okay. Just make sure we are all on the
13 same page. This is actually the footnote 3 that we
14 were talking about before on page 6, right?

15 A. Yes, counsel.

16 Q. That's where the citation is to PJM
17 Interconnection, LLC, Manual 14A.

18 A. 14A, but not Section 4.3.1.3.

19 Q. Okay. You were citing to the entirety of
20 the document; is that not true?

21 A. That's fair.

22 Q. Okay. So in the document that you cited
23 to, doesn't the document state that "A New Service
24 request that contributes to the loading of an
25 existing overload is reported if that New Service

1 request increases the loading by at least 1 percent
2 and contributes at least 5 megawatts or has at least
3 a 5 percent distribution factor"?

4 A. That's correct.

5 Q. So the system load -- or the system
6 impact study considers the distribution factor
7 results of a power flow study; is that right?

8 A. That's right.

9 Q. Okay.

10 MS. BOJKO: Your Honor, at this time I
11 would like to mark for identification purposes as
12 Blue Delta Exhibit 4 the MISO Business Practice
13 Manual 11 dated October 31, 2022.

14 EXAMINER HICKS: So marked.

15 (EXHIBIT MARKED FOR IDENTIFICATION.)

16 MS. BOJKO: Your Honor, may I approach?

17 EXAMINER HICKS: Yes.

18 Q. (By Ms. Bojko) Mr. Stewart, have I handed
19 you what's been marked as Blue Delta Exhibit 4 which
20 is the MISO Business Practices Manual No. 11?

21 A. Effective August 15, 2022, yes.

22 Q. And, sir, is this the Manual 11 that you
23 reference in footnote 3 on your -- in your testimony?

24 A. Yes, it is.

25 Q. Okay. And just so we're clear because

1 you don't have dates in your testimony, this is the
2 August 15, 2022, effective date is the manual on page
3 3 -- or footnote 3.

4 A. So my testimony was submitted on
5 August 26 so could have been -- I don't believe it
6 was updated between then, but it may have been this
7 one. I can't confirm because I don't monitor the
8 website that closely.

9 Q. Okay. You wouldn't believe that your
10 testimony would be significantly altered by any
11 revisions that occurred from the prior version to
12 this version, do you?

13 A. Oh, no. I don't believe so.

14 Q. Okay. And just -- okay. Let's just back
15 up just so we are all clear here because these are
16 citations you did. I am just trying to pull
17 documents that you cited to. So the PJM
18 Interconnection, LLC, Manual 14A, that revision is
19 effective August 24, 2021, so it's fair to assume
20 that -- if that was the most recent, which we believe
21 it to be, that that is the version you were referring
22 to when you cited it in your testimony.

23 A. That's fair.

24 Q. Okay. Okay. And, sir, do you know
25 whether there was a new revised Resource Adequacy

1 Business Practice Manual No. 11 from MISO since you
2 filed your testimony?

3 A. I believe there have been some
4 modifications that were very recently installed.
5 They are going to relate -- yes, there are -- I
6 believe there have been some modifications that were
7 installed to the manual.

8 Q. But you do not believe that that affects
9 your testimony as you have written it, do you?

10 A. It may depending on the question.

11 Q. You mean -- just so the record is clear,
12 you are saying depending on the question in your
13 testimony that the new MISO Resource Adequacy
14 Business Practice Manual that I believe is dated
15 October 31, 2022, may alter responses that you
16 provided in your testimony to the Commission?

17 A. Counsel, the copy of the document that I
18 have in front of me is dated August 15, 2022. And so
19 if that's different than the copies that the Bench
20 has or somebody else, this is the copy that's in
21 front of me. Any of the changes that have taken
22 place in the MISO Resource Adequacy space would not
23 change my direct testimony. However, whether or
24 not -- whether or not the modifications between
25 August and today inside the Resource Adequacy BPM

1 may -- it -- they may change my responses to your
2 questions.

3 Q. Okay. When you said questions, I thought
4 you were talking about your testimony questions. You
5 are talking about any of my questions.

6 A. Yes, yes.

7 Q. So then just so we are all clear, the
8 document you cited to in footnote 3 was the August
9 15, 2022, which at the time would have been the
10 latest version; is that fair?

11 A. Yes, yes.

12 Q. Okay. And sitting here today, do you
13 believe that the October 31, 2022, version would
14 alter or change your direct testimony in any way?

15 A. No.

16 Q. Thank you. So it's fair to assume you've
17 reviewed this document, is that correct, what's been
18 marked as Blue Delta Exhibit 4?

19 MR. WHITT: I'll object.

20 A. I'm --

21 EXAMINER HICKS: Wait, wait. Go ahead.

22 MR. WHITT: The hypothetical can't be
23 assumed because the witness was just handed the
24 document moments ago.

25 EXAMINER HICKS: I can't hear you,

1 Mr. Whitt.

2 MR. WHITT: It can't be assumed that the
3 witness has reviewed a document that was just handed
4 to him a few minutes ago and that he has been
5 answering questions about.

6 EXAMINER HICKS: You don't need to.

7 I am going to overrule the objection. I
8 mean, he cites it in his own testimony so he can --
9 if you need to clarify, go ahead but that's a fair
10 question.

11 MR. WHITT: Well, let the record reflect
12 it is a 211-page document.

13 EXAMINER HICKS: So are you submitting
14 that he didn't review it and cited it in his
15 testimony?

16 MR. WHITT: No, your Honor. What I am
17 objecting to is the attempt to set up an argument
18 that because he says he's familiar with it that they
19 can pull out something in the document later -- they
20 won't question him about it today, but later on they
21 will pull some snippet out of the document, cite it
22 in their brief, and argue there was some implicit
23 agreement with something --

24 EXAMINER HICKS: Sounds like a great
25 point to bring up on your reply brief so we are going

1 to overrule the objection and he can answer.

2 Q. (By Ms. Bojko) Sir, just so the record is
3 clear, in footnote 3 you cited to the entirety of the
4 document. You have no page number listed. You don't
5 even have a date listed; is that fair? That's
6 footnote 3.

7 A. Yes, counsel.

8 Q. Okay. So let's turn to page 88 of the
9 document that's been marked as Blue Delta Exhibit 4.

10 A. I'm sorry, counsel. Can I just ask a
11 clarifying question?

12 Q. Of course.

13 A. So the version that I have is dated
14 August 15. Is the version you have dated August 15
15 or October 31?

16 Q. It is dated August 15 because we assumed
17 that was the version that you cited to since
18 October 31 had not -- had occurred after the filing
19 of your testimony.

20 A. That's good.

21 Q. Is that a fair assumption?

22 A. As long as everybody has the same copy, I
23 am good with that. Thanks, counsel.

24 Q. Well, I thought you explained to me that
25 you cited to the August 15, 2022, version. Is that

1 no longer correct?

2 A. I did. I just wanted to make sure.
3 There was a reference to October 31 and there have
4 been a lot of changes in the footprint over those two
5 months and I wanted to make sure just that the
6 document that I have is consistent with what
7 everybody else has.

8 EXAMINER HICKS: Everybody has the August
9 15 which has been marked Blue Delta Exhibit 4.

10 MS. BOJKO: Thank you, your Honor.

11 THE WITNESS: Thank you, your Honor.

12 EXAMINER HICKS: Yes.

13 Q. (By Ms. Bojko) Oh, excuse me. Let's turn
14 to page 92 of the document. There's a section on
15 page 92 called "Transfer Analysis." Do you see that?

16 A. Yes, I do.

17 Q. In this paragraph doesn't it say that
18 "Transfer capacity is the measure of the ability of
19 interconnected electric systems to reliably transfer
20 power from one area to the" other -- excuse me, "one
21 area to another"?

22 A. So inside of the local -- local
23 requirements and transfer capability analysis that
24 MISO does within its own footprint and to determine
25 capacity import and capacity export limits, that

1 is -- that is where this transfer analysis applies
2 to, and the transfer capability is the measure of the
3 ability of the interconnected electric systems to
4 reliability -- to reliably transfer power from one
5 area to another under certain system conditions is
6 cited on page 92.

7 Q. Thank you. And in the next paragraph
8 below the formula, doesn't MISO -- the MISO manual,
9 Business Practice Manual 11, state that a
10 distribution factor analysis is used to help
11 determine transfer capacity?

12 EXAMINER HICKS: Ms. Bojko, can you point
13 out where you are when you are reading?

14 MS. BOJKO: Oh, I wasn't reading, I'm
15 sorry. I just asked my question. I am in the
16 paragraph underneath the formula. My apologies.

17 EXAMINER HICKS: Okay. Thank you.

18 A. In order to determine capacity import and
19 capacity export limits between local resource zones
20 in MISO, this is the initial type of power flow
21 analysis and distribution factor analysis that is
22 used to determine those factors.

23 Q. Okay. So a distribution factor analysis
24 is used to help determine transfer capacity.

25 A. Yes.

1 Q. Moving on -- let's go back to page 6 of
2 your direct testimony, if you would, please, sir.
3 The paragraph A13 starting at line 134, here you
4 discuss PJM's analysis for qualification of capacity
5 resources, correct?

6 A. The qualification of external capacity
7 resources, yes.

8 Q. And to your knowledge, does the Ohio REN
9 certification rules and law require facilities to
10 qualify as a PJM capacity resource?

11 MR. WHITT: Objection, beyond the scope
12 of direct. The witness made very clear he is
13 offering no legal interpretations or opinions.

14 EXAMINER HICKS: Overruled.

15 A. Counsel, can you repeat the question?

16 Q. Sure. Isn't it true that Ohio's REN
17 certification rules and requirements, the whole
18 purpose of you testifying today, does not
19 specifically require renewable facilities to qualify
20 as a PJM capacity resource?

21 A. That's correct.

22 MS. BOJKO: Your Honor, this --

23 Q. And you did state, because you cited to
24 it in your testimony, sir, you've reviewed the
25 Commission's certification rules, Ohio Admin Code

1 4901:1-40-04? You cite to it on page 3 of your
2 testimony.

3 A. That's where it was.

4 Q. Line 69, excuse me, you cite to a portion
5 of it.

6 A. Yes.

7 Q. Is that right?

8 A. Subsection (F), yes.

9 MS. BOJKO: Your Honor, at this time I
10 would like to mark just for identification purposes
11 for discussion only 4901:1-40-04. May I approach?

12 EXAMINER HICKS: So marked and you may
13 approach.

14 (EXHIBIT MARKED FOR IDENTIFICATION.)

15 EXAMINER ST. JOHN: Just -- you said
16 40-04. Did you mean 40-01?

17 MS. BOJKO: No, 40-04, your Honor.

18 EXAMINER ST. JOHN: Okay. Thank you.

19 A. Counselor, I cite to 4901:1-40-01.

20 Q. Fair enough. Fair enough.

21 MS. BOJKO: I still would like to mark
22 and ask the witness if he's reviewed this, if that's
23 okay, your Honor.

24 EXAMINER HICKS: It is.

25 Q. (By Ms. Bojko) Sir -- let me pass it out.

1 Sir, do you have in front of you what's
2 been identified as Blue Delta Exhibit 5 which is an
3 Administrative Code Rule 4901:1-40-04?

4 A. Yes, I do.

5 Q. And if you look under the title
6 "Qualified resources," this is Rule 4 of Chapter
7 4901:1-40 which is the Alternative Energy Portfolio
8 Standard; is that correct?

9 A. I believe so, yes.

10 Q. And in your testimony you cite to Rule 1
11 under that Chapter 40 and so this is Rule 4 under
12 Chapter 40; is that fair?

13 A. That's fair.

14 Q. So in preparing your testimony, did you
15 review the entire Chapter 40, the entire Alternative
16 Energy Portfolio Standards in Ohio?

17 A. Counselor, I believe I reviewed a good
18 portion of it. I don't know if I reviewed every
19 section of it.

20 Q. So you did not review what a qualified
21 resource technology would be under the Commission --
22 or did you -- excuse me. Let me just ask you. Did
23 you review 04, the qualified resources, to determine
24 what would be considered a qualified resource in the
25 State of Ohio?

1 A. Yes, I did.

2 Q. Okay. Under the discussion of qualified
3 resources or qualified resource in the State of Ohio,
4 is -- anywhere in this rule, does it state that a
5 facility must qualify as PJM capacity resource to
6 obtain REN certification?

7 A. Not to my recollection.

8 Q. Let's go to -- back to page 6 beginning
9 on line 139 of your testimony, please, sir. Here you
10 state to qualify -- actually, I'm sorry. Let's go to
11 134. Here you state that to qualify as a capacity
12 resource, a facility must pass a market-to-market
13 flowgate test; is that correct?

14 A. That's not in line 134 but I get there
15 right around line 137 to 140.

16 Q. Fair enough. And doesn't a
17 market-to-market flowgate test include a distribution
18 factor analysis?

19 A. Yes.

20 Q. And can a market-to-market flowgate test
21 be conducted without using distribution factors?

22 A. I don't believe so.

23 Q. Do you believe it's possible for MISO to
24 perform an SIS or transfer analysis without a power
25 flow study? Sorry, SIS, system impact study.

1 A. No. These studies are -- they are
2 complex, so they are multiple steps, and the first
3 step, like I have noted earlier in my testimony, is a
4 power flow study.

5 MS. BOJKO: Your Honor, I would like to
6 mark for identification purposes as Blue Delta
7 Exhibit 6 a PJM document titled "Dynamic Transfers:
8 Market-to-Market Flowgate Test" dated May 2019.

9 EXAMINER HICKS: So marked.

10 (EXHIBIT MARKED FOR IDENTIFICATION.)

11 MS. BOJKO: May I approach, your Honor?

12 EXAMINER HICKS: Yes.

13 Q. (By Ms. Bojko) Mr. Stewart, do you have
14 in front of you what's been previously marked as Blue
15 Delta Exhibit 6 which is a PJM document titled
16 "Dynamic Transfers: Market-to-Market Flowgate Test"
17 dated May 2019?

18 A. Yes, I do.

19 Q. Is this the document you cite on page 6
20 of your testimony in footnote 4?

21 A. Sorry, counsel. I have a lot of papers
22 up here. Yes, it is.

23 Q. So is it fair to assume that you are
24 familiar with this document?

25 A. Yes, it is.

1 Q. Let's turn to the document itself on page
2 2. Under Section 2, the market-to-market flowgate
3 test, are you there?

4 A. Yes, I am.

5 Q. Isn't it true that this test uses
6 computer programs to perform sensitivity analyses to
7 determine the percent impact or generation-to-load
8 distribution factor which is also called GLDF?

9 A. That's right but some context here is
10 really important. So if we go all the way up to the
11 top of page 2 --

12 Q. I was just asking you about Section 2. I
13 think your counsel can handle that on redirect for
14 context.

15 A. Okay.

16 Q. So GLDF is a distribution factor test; is
17 that correct?

18 A. That's correct.

19 Q. And isn't the DFAX study also a
20 distribution factor test?

21 A. Which DFAX study?

22 Q. Well, isn't DFAX -- a DFAX study is short
23 for distribution factor test; is that right?

24 A. Yes, that is correct.

25 Q. And PJM, which is the document that you

1 have in front of you, does a DFAX study analysis.
2 They have performed those in the past; is that right?

3 A. Also those are two separate items. The
4 document I have in front of me is for external
5 resources for market-to-market flowgates, and the
6 DFAX in questions today under the applications are a
7 separate DFAX analysis.

8 Q. Sure. I am asking if they are both
9 distribution factor tests.

10 A. They are in the same class of tests, but
11 they are entirely different analyses.

12 Q. Okay. Well, let's turn back to page 8 of
13 your direct testimony. Let's go to lines 184 through
14 187. And here is where you say the Applicant -- I'm
15 sorry, you use Applicant throughout your testimony.
16 You do mean Applicants plural, right? You are
17 talking about the six facilities when you use the
18 term Applicant?

19 A. Yes; yes, that's right.

20 Q. Okay. Here you state that the Applicant
21 provided the distribution factor studies from PJM, is
22 that right, for the resources, the renewable
23 resources in the applications?

24 A. I don't state that they come from PJM. I
25 said the Applicant provided DFAX studies for the

1 resources in question.

2 Q. Okay. So you don't think that the
3 Applicants received DFAX studies from PJM.

4 A. I know the document that I reviewed. I
5 know that there is a cover letter that says they are
6 PJM. I don't know who got them. I don't know who
7 performed them. I don't know if it was Mr. Aaron
8 Berner as was testified yesterday, but I reviewed the
9 same document that everybody else did.

10 Q. I'm sorry. Do you have a reason to
11 believe that someone stole the PJM label that's
12 copyrighted and put it on a DFAX analysis?

13 MR. WHITT: I am going to object and
14 calls for speculation.

15 EXAMINER HICKS: Sustained. Move on.

16 Q. (By Ms. Bojko) You have no reason to
17 believe that the DFAX study analyses that were
18 discussed yesterday did not come from PJM, do you?

19 MR. WHITT: Objection. It's further
20 beyond the scope of direct. He hasn't sponsored any
21 DFAX studies. They sponsored them. He doesn't -- as
22 he said, he doesn't purport to authenticate or say
23 anything other than he's -- knows what the other side
24 has produced.

25 MS. BOJKO: Your Honor, he questioned it.

1 I am asking -- he opened the door when he said what
2 he said. I am happy to move to strike his response.

3 EXAMINER HICKS: Move to strike?

4 MS. BOJKO: If he is allowed to testify
5 and I cannot follow up questions to what he
6 testified, then I would move to strike the testimony
7 that he elicit -- or stated about the PJM DFAX
8 analysis.

9 MR. WHITT: If I may, your Honor, the
10 problem is the attempt to elicit testimony that he
11 has not given.

12 EXAMINER HICKS: We are not going to get
13 into the discussion on whether there is scope issues
14 on cross-examination. That's a law school exam. The
15 whole thing -- you quoted his testimony and inserted
16 PJM. He read it back to you saying it didn't have
17 it. I will let you -- do you have any reason to
18 believe they didn't come from PJM? What is your
19 understanding of the documents?

20 THE WITNESS: My understanding of the
21 document they have a PJM cover letter on them. I
22 have no -- there's nothing that was independently
23 provided to me that indicates that there was an
24 imposter or somebody else. However, I only read the
25 documents that the Applicants provided. I don't have

1 any independent contact with PJM or anybody else with
2 respect to these documents.

3 EXAMINER HICKS: There we go.

4 MS. BOJKO: Thank you, your Honor.

5 Q. (By Ms. Bojko) So when you refer to the
6 Applicants' DFAX studies provided, did you review
7 those DFAX studies?

8 A. Yes, I did.

9 Q. And because on page 9, line 213, you
10 argue that the DFAX studies provided presuppose
11 deliverability, don't you?

12 A. I just quote PJM who says -- PJM's cover
13 letter document, sorry, the power from the
14 Applicants' facilities would be expected to flow if
15 they were -- if they were to deliver their energy
16 into PJM.

17 Q. Okay. Now I am really confused. You do
18 believe that these were PJM DFAX studies, correct?

19 A. The documents that I read stated that the
20 power from the Applicants' facilities would be
21 expected to flow if they were to deliver their energy
22 into PJM.

23 Q. Okay. And you are aware that PJM
24 performs DFAX studies; is that correct?

25 A. Yes.

1 Q. And you used the words that DFAX studies
2 presuppose deliverability on line 213, correct?

3 A. My response here is limited to the DFAX
4 studies that were provided from the Applicants
5 because when we're thinking about a DFAX analysis
6 from a facility that's located in Minnesota, in South
7 Dakota, that's all the way out here at point A, and
8 then we have to get the power to point B and then to
9 point C. The DFAX studies provided from PJM only
10 evaluate the impacts if the power gets from point B
11 to point C. They don't evaluate what happens between
12 point A and B. It presupposes there is delivery at
13 point B and then evaluates the impact at point C in
14 Ohio.

15 Q. So in the DFAX study that you reviewed,
16 what source did PJM assume? The facility or some
17 middle point that you just referenced?

18 A. The source of the generation is the
19 facility assuming that energy is delivered to PJM but
20 there's -- there are hundreds of miles of
21 transmission assets in MISO that are going to affect
22 the delivery of that energy. So PJM's study on its
23 own statement says that they don't account for any of
24 this. They assume it's being delivered into PJM.

25 Q. Okay. So under your analysis, you're

1 stating that the PJM DFAX analysis assumes
2 100 percent deliver -- deliverable -- deliverability
3 to point C in your analysis and that's not correct,
4 is it?

5 A. I -- that was not my testimony, counsel.
6 That was not my testimony.

7 Q. So you would agree with me --

8 A. I don't.

9 Q. -- that -- right. You would agree with
10 me that the PJM analysis, the DFAX studies, the
11 source of the generation was the renewable facility,
12 correct?

13 A. Yes.

14 Q. Okay. And you would also agree with me
15 that PJM does not assume 100 percent of that
16 generation is deliverable to the end point in Ohio,
17 correct?

18 A. That's correct, and that was not my
19 testimony.

20 Q. And isn't it true that the PJM DFAX
21 analyses that were performed had end points outside
22 of Ohio?

23 A. There --

24 Q. Yeah.

25 A. Is that the question?

1 Q. Yes.

2 A. Yes, the end points potentially outside
3 of Ohio were included in the listed facilities.

4 Q. Is it your testimony that the DFAX
5 studies presuppose a certain distribution factor
6 impact on Ohio transmission lines?

7 A. No.

8 Q. Let's look at page 10, line 234, of your
9 testimony here going over through page 11, line 236,
10 you state that "A Firm Point to Point Transmission
11 Service Reservation ensures that energy from a
12 facility is physically deliverable to a specific
13 location or load," correct?

14 A. That's correct.

15 Q. But a TSR does not actually guarantee
16 that electrons from a generation resource will
17 actually flow across a transmission line under all
18 conditions, does it?

19 A. So the concept here is physically
20 deliverable. And we've covered some basic concepts
21 just on what deliverability requires, the quality of
22 analysis that is required to reach that determination
23 of deliverability. And inside of a transmission
24 service reservation process, we do have a DFAX study,
25 and we have something called a firm transmission

1 feasibility study, and we look at all the potential
2 impacts on the transmission system, its limits, other
3 transmission service reservations, and other
4 generation.

5 And with that we can make a determination
6 as to whether or not additional transmission upgrades
7 are needed to accommodate those new injections or if
8 a resource is deliverable on its own. So while a TSR
9 does not guarantee specific electrons will flow to
10 specific load, it ensures a robust process is in
11 place where specific load is being served with
12 deliverable generation.

13 Q. Thank you for that explanation. So it
14 only -- a TSR only guarantees that there is enough
15 transmission available so that the electricity could
16 flow over the transmission line; isn't that correct?

17 A. That would be -- I think that's a fair
18 couch of -- a fair categorization of what TSR can do.

19 Q. Thank you. So is it your contention
20 today facilities within PJM should have to secure a
21 firm point-to-point transmission service reservation
22 to be deliverable into Ohio?

23 A. The concept of deliverability can be
24 demonstrated through a series of interconnection
25 studies or through a firm point-to-point reservation,

1 and so if specific load is seeking to -- is seeking
2 to use energy from a specific resource, a firm
3 point-to-point reservation can assist with this.
4 However, if a resource was just to interconnect in
5 Ohio and be deliverable to Ohio load, it would walk
6 through the interconnection process, go through the
7 initial step of that DFAX analysis we covered, and
8 then the more granular engineering studies.

9 Q. So are you contending that the DFAX study
10 does not register or determine the impact on Ohio
11 transmission lines?

12 A. A DFAX study does not assure
13 deliverability. It can assess impacts on
14 transmission lines.

15 Q. And the TSR doesn't guarantee
16 deliverability -- deliverable either, does it?

17 A. The TSR process does -- does work through
18 a deliverability process.

19 Q. But it doesn't guarantee it, does it?

20 A. I don't understand what you mean by
21 guarantee.

22 Q. Well, sure. Isn't it true that
23 transmission gets curtailed all the time?

24 A. But that's not what deliverability means.
25 It doesn't mean under all circumstances. Ohio this

1 past summer had some outages because their -- it was
2 very -- there was really hot weather so it -- there
3 are resources that are deliverable to load in Ohio,
4 but it doesn't guarantee that the electrons flow
5 there all the time.

6 Q. Right. Thank you. Let's turn to page 10
7 of your testimony, line -- I'm sorry. We are over on
8 page 11, 241, lines 241 to 244. You state that the
9 Commission should use historical settlement data to
10 determine deliverability; is that correct?

11 A. Inside --

12 MR. WHITT: Objection, objection. I
13 think counsel misread the testimony on 241.

14 EXAMINER HICKS: Can you just ask the
15 question again? I don't know if you read it
16 correctly or not.

17 MS. BOJKO: Oh, he -- he might be
18 quibbling with my word of could versus should.

19 MR. WHITT: Could and should.

20 Q. (By Ms. Bojko) You state that the
21 Commission could use historical settlement data to
22 determine deliverability; is that correct?

23 MS. BOJKO: Thank you for the
24 clarification.

25 A. Yeah. Inside this question I am not

1 telling the Commission to do anything. I am just
2 providing ways in which deliverability can be
3 demonstrated from an existing facility that has been
4 operating for 15 years. So in this -- in one of the
5 options just look at the settlement data and see how
6 many megawatts from these resources have actually
7 settled here in Ohio.

8 Q. Settled meaning a financial transaction;
9 is that correct?

10 A. Could be a financial transaction or it
11 could be through firm point-to-point reservation that
12 has a -- that has a PPA attached to it.

13 Q. Sure. If there was a firm-to-firm point
14 transaction that has a PPA attached and the
15 settlement -- the settlement only assumes actual
16 deliverability, right? You only pay for what you
17 receive, so it's actual deliverability; is that
18 right?

19 A. Depending on the PPA, depending on the
20 context, but it can be, yes.

21 Q. Right. So a TSR and a PPA do not
22 guarantee actual delivery and neither does the use of
23 his -- strike that.

24 A TSR does not guarantee actual
25 deliverability and neither does a firm-to-firm point

1 transmission contract, does it?

2 A. Counsel, the concept of physically
3 delivering megawatts and being designated as
4 deliverable, while they are similar they are a little
5 bit distinct and this is an important distinction.
6 It's kind of like a Venn diagram that overlaps a bit.
7 There are megawatts from facilities that reach
8 specific load but in the concept and context of
9 deliverability, how PJM certifies external resources
10 to be deliverable to its load, Ohio is within PJM.
11 The concept of deliverability provides a high
12 certainty that those specific facilities are
13 deliverable to serve specific load.

14 Q. And it's your contention physical
15 deliverability has a financial element; is that fair?

16 A. Physical -- I'm sorry, counsel. I am not
17 following your question.

18 Q. I asked if you believe that physical
19 deliverability has a financial element.

20 A. In which context, counsel?

21 Q. You say historical settlement data is a
22 way to determine actual physical deliverability so
23 that is a financial element, is it not?

24 A. That is, yeah.

25 Q. And is it your contention that contracts

1 can -- you talked about a PPA. That's a contract.

2 Is it your contention that contracts can demonstrate
3 actual physical deliverability?

4 A. Depends on -- it would depend on the
5 language in the contract.

6 Q. Fair enough. But it doesn't determine
7 actual physical deliverability. Whether you get paid
8 or not is different than actual physical
9 deliverability, isn't it?

10 A. Those are separate concepts, yes.

11 Q. Thank you. And looking at lines 270 to
12 272 on your -- in your testimony, you state that one
13 of the limitations of the Koda test is it relies on
14 modeling regardless of the commercial arrangements
15 applicable to the facility; is that right?

16 A. Can you -- can you point me to that
17 directly?

18 Q. Sure. 270 to 272.

19 A. Thank you. Yes.

20 Q. And commercial arrangements in this
21 context is a contract; is that correct?

22 A. Within the context of Koda, yes, it was.

23 MS. BOJKO: At this time, your Honor, I
24 would like to -- I guess it's already been marked,
25 but I don't believe the witness has a copy, so I

1 would like to present a copy. I would like -- may I
2 approach?

3 EXAMINER HICKS: Yes.

4 MS. BOJKO: This has previously been
5 marked as Blue Delta Exhibit 2, Attachment A. And
6 for identification purposes this is CSG's Revised
7 Supplemental Responses and Objections to the First
8 Set of Discovery.

9 EXAMINER HICKS: Okay.

10 Q. (By Ms. Bojko) Sir, do you have in front
11 of you what's been previously marked as Blue Delta
12 Exhibit 2, Attachment A, which are --

13 A. Yes.

14 Q. -- Carbon Solutions Group's revised
15 supplemental discovery responses?

16 A. Yes.

17 Q. Mr. Stewart, are you familiar with the
18 responses to discovery that your client submitted in
19 this case?

20 A. I am generally familiar, but I -- many of
21 these documents were -- were -- these were prepared
22 by counsel and the client, not by me.

23 Q. So let -- let's just talk about one and
24 see if you are familiar with it. You did not sponsor
25 any discovery responses then; is that fair?

1 A. I -- I don't recall, but certainly these
2 processes involve a lot of coordination.

3 Q. Okay. Sure. Fair enough. I just don't
4 know because there's no responsible person listed on
5 these as I -- as you may expect, so I will just have
6 to ask you the question then, if that's fair.

7 A. Yes.

8 Q. So I am turning to page 9 and 10 of the
9 responses. I am looking at -- it's the bottom of 9.
10 It's the Interrogatory-01-20. Do you see that? I
11 will give you a moment.

12 A. Marked page 10?

13 Q. It starts on page 9 and goes over to page
14 10.

15 A. Yes; yes, I see that.

16 Q. I will give you a moment to read the
17 interrogatory.

18 Are you done?

19 A. Yes.

20 Q. The interrogatory asks does -- whether
21 CSG, your client, maintains that the contract path of
22 electricity demonstrates actual physical
23 deliverability of that electricity, and then if you
24 go to the very end, there is actually a substantive
25 response. I don't want to ask you about the legal

1 objections, but if you go to the end, it says that
2 CSG states no. Do you see that?

3 A. So the -- just so I am clear here, the
4 question is Interrogatory-01-20, and then the answer
5 is, I don't know, two spaces above the
6 Interrogatory-01-21.

7 Q. Correct.

8 A. Okay. Yes.

9 Q. Okay. So the answer is no to that
10 question. Do you agree with that response?

11 MR. WHITT: Objection, relevance.

12 MS. BOJKO: Your Honor, he is here
13 testifying on behalf of CSG today and testifies to
14 contract deliverability and physical deliverability,
15 and I am asking if he agrees with whether a contract
16 path of electricity demonstrates actual physical
17 deliverability of that electricity.

18 MR. WHITT: Right, but the witness is not
19 a party to the case. We are happy to stipulate that
20 the interrogatory responses, verified responses, of
21 the company are admissible as admissions that the
22 answer to the question is no. That answer binds the
23 company regardless of whether this witness agrees
24 with it.

25 EXAMINER HICKS: But he is testifying

1 about -- I will overrule the objection. He can
2 answer whether he agrees or not.

3 MS. BOJKO: Thank you, your Honor.

4 A. I agree with CSG's position.

5 Q. Does the existence of a contract change
6 the actual flow of electrons?

7 A. It depends on the term of the contract.

8 Q. Does the physics of the system change the
9 actual -- change whether you have a contract or not?

10 A. Those physics do not change.

11 Q. Thank you. Mr. Stewart, have you
12 reviewed the Commission's previous orders in
13 rulemaking proceedings related to the deliverability
14 requirement and whether there is a financial element
15 to that or whether there should be a financial
16 element to that deliverability requirement?

17 A. Counsel, I'm -- I don't -- I can't say
18 for certain. I can't say for certain.

19 Q. Fair enough.

20 MS. BOJKO: At this time, your Honor,
21 then I would like to mark for identification purposes
22 Blue Delta Exhibit 7.

23 EXAMINER HICKS: Which is?

24 MS. BOJKO: Oh, sorry. A Finding and
25 Order issued on December 19, 2018, Case No.

1 12-2156-EL-ORD.

2 May I approach, your Honor?

3 EXAMINER HICKS: Yes. And if I didn't
4 say it, it is so marked as Exhibit 7. Sorry.

5 (EXHIBIT MARKED FOR IDENTIFICATION.)

6 Q. (By Ms. Bojko) Mr. Stewart, I've handed
7 you what's been marked as Blue Delta Exhibit 7, and
8 it's a Finding and Order in Case 12-2156-EL-ORD.
9 Would you take a minute just to review that.

10 A. Counsel, it's --

11 Q. Fair enough. I am just -- you said you
12 aren't certain of whether you have reviewed these
13 before, so my question to you is this one of the
14 orders that you may have reviewed in preparation of
15 your testimony?

16 A. I don't recall, counsel.

17 EXAMINER HICKS: You don't recall if you
18 have reviewed it or you -- I'm -- or you don't recall
19 that -- I am going to say it the same way, but I
20 think there is two ways to interpret that.

21 THE WITNESS: Yeah. Sorry, your Honor.
22 This exact case heading isn't jumping out to me. I
23 don't know if I am familiar with it.

24 EXAMINER HICKS: That's valid.

25 Q. (By Ms. Bojko) And, sir, you wouldn't

1 know whether CSG intervened in this case, would you?

2 A. I am not familiar with the procedural
3 history in this case.

4 Q. Okay. You can put that aside.

5 MS. BOJKO: Your Honor, at this time I
6 would like to mark for identification purposes as
7 Blue Delta Exhibit 8 an Opinion and Order issued on
8 April 15, 2002, in Case No. 08-888-EL-ORD.

9 EXAMINER HICKS: So marked.

10 (EXHIBIT MARKED FOR IDENTIFICATION.)

11 MS. BOJKO: May I approach, your Honor?

12 EXAMINER HICKS: Yes.

13 Q. (By Ms. Bojko) Sir, I've handed you
14 what's been marked as Blue Delta Exhibit 8 which is
15 an Opinion and Order issued on April 15, 2009, in
16 Case No. 08-888-EL-ORD. Does this appear -- or does
17 this refresh your recollection of whether you've
18 reviewed this Opinion and Order previously?

19 A. It looks more familiar than the last one.

20 Q. Do you know whether you reviewed this
21 Opinion and Order in drafting your testimony?

22 A. I don't. I don't.

23 Q. Let's turn to page 28 to focus the
24 questions to see if you recall. The case caption of
25 this appears that it is a rulemaking proceeding

1 spurred by an amendment to -- or an amendment to the
2 rules by Amended Substitute Senate Bill 221, is that
3 fair, if you look at the case caption?

4 A. Amended Substitute House Bill 221 was
5 enacted among other things. Yeah, it looks like to
6 be the general subject.

7 Q. Okay. If we could turn to page 28, and
8 this was before the Commission was actually numbering
9 helpful paragraphs, so if you turn to --

10 EXAMINER HICKS: Way before my time.

11 Q. -- page 28, unfortunately not before
12 mine, and look at the second paragraph on page 28.
13 I'm sorry, look at the first full paragraph, I think
14 that's more helpful, starting with "While some
15 comments."

16 A. So just -- just for context here, can you
17 provide me with a little bit more background detail
18 as to where -- or do you want me to take some time to
19 familiarize myself?

20 Q. Actually I was -- I was hoping or
21 thinking this might spur your memory on what you may
22 or may not have reviewed before your testimony. Do
23 you recall this?

24 MS. BOJKO: I don't want to ask any
25 question he is not familiar.

1 EXAMINER HICKS: So let's ask that
2 question. I don't think you have asked that
3 question.

4 MS. BOJKO: Oh, I'm sorry. I thought he
5 answered.

6 EXAMINER HICKS: I assume that's what
7 your --

8 MR. WHITT: Your Honor, I was going to
9 say I really could use a 2-minute break, and I'm
10 sorry to interrupt between question and answer. I
11 don't want to talk to the witness. It's a matter of
12 personal comfort. If you could review in the
13 meantime and I will be right back.

14 EXAMINER HICKS: We can do -- I will give
15 you more than 2 minutes. Let's take a legit break.
16 Let's come back at 10:45. Does that work?

17 MS. BOJKO: Thank you.

18 EXAMINER HICKS: All right. We are off
19 the record.

20 (Recess taken.)

21 EXAMINER HICKS: Let's go back on the
22 record.

23 I will hand it back over to Ms. Bojko.

24 MS. BOJKO: Thank you, your Honor.

25 Q. (By Ms. Bojko) Before the break you were

1 looking at a Commission Order, Opinion and Order,
2 issued April 15, 2009, Case No. 08-888-EL-ORD. And I
3 had referred you to a paragraph on page 28. Have you
4 had a chance to review that paragraph and the
5 document?

6 A. I did not -- I did not review the
7 document in its entirety. However, I did briefly
8 review the space inside of the Order where we are at.
9 It is half of page 27 and half of page 28.

10 Q. Okay. And after your review, does this
11 refresh your recollection of whether you reviewed
12 this Opinion and Order prior to the filing of your
13 testimony?

14 A. It doesn't.

15 Q. Okay. So you don't believe you reviewed
16 the Commission's decision in this regarding the
17 rulemaking surrounding the deliverability standard?

18 A. I'm not -- I don't believe that I
19 reviewed this 2009 order.

20 Q. Okay. I guess I will just ask you do you
21 know which order you may have reviewed?

22 A. I don't. It's a research process.

23 Q. Okay. And it was a rulemaking proceeding
24 regarding the deliverability standard at the
25 Commission?

1 A. I don't recall, counsel.

2 Q. Okay. You do discuss, however, the Koda
3 test in your testimony; is that correct?

4 A. Yes.

5 Q. Did you review the Staff Report in the
6 Koda case? And that's -- excuse me. For the record
7 it's Koda Energy was a case. It was a renewable
8 facility and that created what's been called the Koda
9 test that you refer to in your testimony; is that
10 correct?

11 A. The Staff Report that I did review is on
12 page 12 of my testimony, footnote 3. I'm sorry,
13 footnote 13. Sorry, counsel.

14 Q. That's okay. And this Koda Energy Staff
15 Report was issued February 28, 2011, that you cite
16 to; is that correct?

17 A. Yes.

18 Q. Did you review the Commission decision
19 that was issued which is cited in your testimony in
20 footnote 12?

21 A. Yes.

22 Q. And that Commission decision was issued
23 March 23, 2011; is that correct?

24 A. Yes.

25 Q. I'm turning to page 14 of your testimony,

1 lines 303 to 306. There's a sentence beginning on
2 303. It states "Koda allows for the owner of a
3 generation facility to cause the study to be
4 performed 'if the generating facility was not modeled
5 by the RTO, because it is not yet operational or not
6 yet had its resource studies completed.'" Did I read
7 that correctly?

8 A. Yes. And I am citing the Staff Report.

9 Q. In part, part of the sentence that I read
10 was citing the Staff Report, correct?

11 A. That's correct.

12 Q. Do you have a copy of that Koda Staff
13 Report in front of you, sir?

14 A. No, I do not.

15 MS. BOJKO: Your Honor, at this time I
16 would like to mark for identification purposes as
17 Blue Delta Exhibit 9, the Staff Report issued on
18 February 28, 2011, in Case 09-0555-EL-REN.

19 EXAMINER HICKS: So marked.

20 (EXHIBIT MARKED FOR IDENTIFICATION.)

21 MS. BOJKO: May I approach, your Honor?

22 EXAMINER HICKS: Yes.

23 Q. (By Ms. Bojko) Sir, do you have in front
24 you of what's been marked as Blue Delta Exhibit 9,
25 the Staff Report issued February 28, 2011, in Case

1 No. 09-555?

2 A. Yes.

3 Q. And is this the Staff Report that you
4 cited to in your testimony?

5 A. Yes. The Review and Recommendations
6 Submitted on Behalf of the Staff of the Public
7 Utilities Commission of Ohio.

8 Q. And is it fair to assume you've reviewed
9 this document, sir?

10 A. I have reviewed this document.

11 Q. And isn't it true that in Koda, the
12 Commission ultimately denied certification because
13 they found that the facility in question did not pass
14 the deliverability test?

15 A. Koda involved a MISO-based facility, and
16 in Koda, both MISO and PJM DFAX studies were
17 performed. And the Commission did ultimately reject
18 that application for failing to meet the two
19 standards, first one was DFAX, second one was
20 megawatt impact.

21 Q. On page 13 of your direct testimony,
22 beginning on line 286, you mentioned two differences
23 since the Koda test was created. Do you see that?

24 A. One second, counsel. Page 13?

25 Q. Yes, 286.

1 A. Yes.

2 Q. And one of the changes or differences
3 that you mentioned is a change of RTO footprints on
4 line 291; is that correct?

5 A. I will start with the RTO footprints,
6 yes.

7 Q. And you think this impacts the validity
8 of the Koda test, correct?

9 A. That was not my testimony.

10 Q. Do you think that this impacts the
11 applicability of the Koda test to the applications in
12 this case?

13 A. No. Koda required -- inside the Koda
14 case DFAX studies were performed and submitted by
15 both MISO and PJM. And in the present matter we only
16 have a DFAX study from PJM.

17 Q. Yeah. So the only issue that you are
18 contesting is who performed the DFAX studies?

19 A. I wouldn't say that's the only issue that
20 I am contesting but that's a distinction between Koda
21 and what we have presented today.

22 Q. Okay. Well, on line 291, you say that
23 there was a change of RTO footprints from Koda -- I
24 assumed you meant from Koda to today; is that not
25 accurate?

1 A. So back when Koda was litigated, part of
2 Ohio was located in the Midcontinent ISO footprint
3 and part of that was located in PJM. Since then Ohio
4 is no longer a part of MISO and is entirely
5 encompassed by the PJM service territory.

6 Q. And you state in your testimony on line
7 295 that that change -- you claim that that change
8 occurred in 2011; is that right?

9 A. Yes.

10 Q. Well, isn't it true that after 2011,
11 there was still part of Ohio that was in MISO?

12 A. I believe you are referring to OVEC.

13 Q. No. Isn't it true -- oh, sorry.

14 A. I'm sorry.

15 Q. I didn't mean to interrupt you. I
16 apologize.

17 EXAMINER HICKS: Go ahead and finish.

18 A. It's a small portion along -- it's a very
19 small portion on the seam but the -- there was some
20 portion of Ohio that was connected to -- to MISO,
21 very, very small portion.

22 Q. Well, isn't it true that Duke Energy Ohio
23 did not change RTOs until 2012?

24 A. It may be. My recollection was that it
25 was in 2011.

1 MS. BOJKO: One minute, your Honors.

2 Q. (By Ms. Bojko) I'll come back to that,
3 but it's your contention you believe all of Ohio was
4 in PJM in 2011 except for OVEC; is that correct?

5 A. That wasn't my testimony. But since
6 2011, between the time that Koda was decided and
7 today, there have been material changes in Ohio's
8 footprint. Today no portion of Ohio is in MISO.

9 Q. Okay. And you don't know what date all
10 of Ohio became in MISO.

11 A. I don't recall those exact dates.

12 Q. So the Koda test was created in 2011 and
13 that Koda test has been applied consistently by the
14 Commission since it was initially adopted in 2011,
15 correct --

16 MR. WHITT: Objection, calls for --

17 Q. -- to your knowledge?

18 MR. WHITT: Calls for a legal conclusion.

19 EXAMINER HICKS: Overruled. You can
20 answer to the extent you know.

21 THE WITNESS: Your Honor, I think in my
22 review of the REN applications since 20 like 15,
23 there were a couple -- there were a couple of -- I
24 think there were a couple thousand or maybe a couple
25 hundred that have been pulled up on the -- that are

1 available for review. And the ones that I have
2 reviewed, some of them have been withdrawn. I
3 believe Koda is applied in a large majority of them,
4 but I have not reviewed every single one of those REN
5 applications.

6 Q. (By Ms. Bojko) Well, I guess I am
7 confused then. You don't believe the Koda test is
8 the standard that the Commission has been using since
9 2011? I thought you said that in your testimony; is
10 that not accurate?

11 A. Your question to me was about the
12 Commission's applicability of Koda in all of these
13 cases. My understanding is that's the standard. I
14 don't have independent knowledge as to whether the
15 Commission consistently applied that in every case.

16 Q. Okay. Fair enough. But it's your
17 understanding that the Koda test is what the
18 Commission has used since 2011 to evaluate the
19 certification of REN facilities.

20 A. Yes.

21 Q. And it's also your understanding that the
22 Commission has applied the Koda test to REN
23 certification applications where the facilities are
24 located out of state and are noncontiguous to the
25 state of Ohio, correct?

1 A. That is correct.

2 Q. And sitting here today, you cannot tell
3 me a case you reviewed where the Commission did not
4 apply the Koda test; is that correct?

5 A. That's correct.

6 Q. And that application of the Koda test has
7 been -- to your understanding has been applied
8 regardless of the RTO that the facility was located
9 in; is that correct?

10 A. Koda can apply to noncontiguous states
11 that are in nonmarket areas as well, so it can be a
12 non-RTO.

13 Q. Okay. Fair enough. So it doesn't matter
14 which RTO the Koda test has been applied to. Any
15 REN -- to your knowledge it's been applied to
16 certifications that have been filed regardless of
17 whether a facility is in an RTO or not in an RTO or
18 regardless whether it's in MISO versus PJM; is that
19 correct?

20 A. So my understanding of Koda is that it
21 does apply to external non-Ohio-based facilities and
22 noncontiguous states.

23 Q. Regardless of the RTO?

24 A. Regardless of RTO, nonmarket area, market
25 area.

1 Q. Thank you. And is it your understanding
2 that during this period the Commission has both
3 approved and denied applications for REN
4 certification from facilities in noncontiguous states
5 in MISO based on the results of the Koda test?

6 A. I am familiar with that.

7 Q. Have you reviewed cases where the
8 Commission has applied the Koda test to facilities
9 located in noncontiguous states in MISO?

10 A. Yes.

11 Q. And let's take Illinois for an example.
12 Illinois is a noncontiguous state; is that correct?

13 A. Illinois is a noncontiguous state that is
14 split between MISO and PJM.

15 Q. Sure. Thanks for answering my next
16 question. A significant portion of Illinois is not
17 in PJM; is that correct?

18 A. It's referred to as downstate Illinois,
19 that is, the Ameren in the Midcontinent service
20 territories. ComEd Co. is the PJM portion.

21 MS. BOJKO: Okay. At this time, your
22 Honor, I would like to mark for identification
23 purposes Blue Delta Exhibit 10, the Finding and Order
24 issued on December 1, 2021, in Case 21-987-EL-REN.

25 EXAMINER HICKS: That's Exhibit 10,

1 correct?

2 MS. BOJKO: Yes.

3 EXAMINER HICKS: So marked.

4 (EXHIBIT MARKED FOR IDENTIFICATION.)

5 MS. BOJKO: I'm sorry. Can you hear me?
6 I forgot to turn my microphone on.

7 EXAMINER HICKS: I heard all of you. I
8 just didn't hear the 10.

9 MS. BOJKO: May I approach, your Honor?

10 EXAMINER HICKS: Yes.

11 Q. (By Ms. Bojko) Sir, do you have in front
12 of you what's been previously marked as Blue Delta
13 Exhibit 10? And it's a Finding and Order issued
14 December 1, 2021, in Case 21-987-EL-REN.

15 A. That's right.

16 Q. Have you reviewed cases where the
17 Commission has applied the Koda test to facilities
18 such as Harvest Ridge Wind Farm in Illinois?

19 A. I haven't reviewed this specific one in
20 the past, but I have reviewed similar REN cases
21 involving other states. Noncontiguous, my apologies.

22 Q. To your knowledge did CSG intervene in
23 this particular case?

24 A. I'm not familiar with their procedural
25 history in this case.

1 Q. And to your knowledge, the Illinois cases
2 that you did review, would you know whether CSG
3 intervened in those cases?

4 A. No, I wouldn't.

5 Q. Isn't it true that in this particular
6 Illinois facility case as well as the other ones,
7 that the Commission utilized a DFAX study to
8 determine deliverability?

9 A. In this order before me on paragraph 7,
10 it appears like the Commission has applied the Koda
11 test.

12 Q. And you used a DFAX power flow study
13 performed by PJM to apply the test?

14 A. That's right. The order -- the order
15 doesn't state whether the facility is located in MISO
16 or in PJM, and I don't know which side of the seam
17 Newman, Illinois, falls on.

18 Q. You don't know what side of the seam that
19 this particular facility is in?

20 A. Yeah. That's correct.

21 Q. You don't know where Newman is; is that
22 your testimony? I just didn't hear you.

23 A. That's right. I am a New Jersey native,
24 not an Illinois.

25 Q. Okay. Have you reviewed cases where the

1 Commission has applied the Koda test to facilities
2 located in Iowa?

3 A. Yes.

4 Q. And it's your understanding that if the
5 power flow study does not meet the two-factor test
6 from a facility, then the Commission has denied
7 certification to those facilities; is that fair?

8 A. That's fair.

9 Q. And that's regardless of whether they are
10 located in MISO or PJM?

11 A. From what I have reviewed, that's what --
12 that's consistent with my understanding.

13 Q. So the one that you have in front of
14 you -- Newman is located in a MISO state; you just
15 don't know that.

16 A. Yeah. I have no -- well, so Illinois is
17 a MISO state, but it's split up between the MISO and
18 PJM service territories, so it's also a PJM state. I
19 just don't know where -- where the city is on the --
20 on the map. If it's next to Springfield, then maybe
21 it's MISO.

22 Q. If -- and we would be able to find that
23 information out on the application filed with the
24 facility's certification; is that correct?

25 A. From the -- the applications I reviewed,

1 typically they state the state, the county, and the
2 city in which the facility is located.

3 Q. And just so we're clear, make sure, the
4 Commission has approved certification for facilities
5 that are located in MISO but on noncontiguous states;
6 is that correct?

7 A. Yes.

8 Q. Okay. Let's go back to your testimony,
9 sir, page 13, beginning on -- excuse me, 286.

10 A. Yes.

11 Q. The other difference -- we just talked
12 about the change in the RTO footprint. The other
13 difference that you note in your testimony on line
14 286 is that Koda was a new facility; is that correct?

15 A. Yes.

16 Q. Does Ohio's REN certification require
17 facilities to be new in order to qualify for REN
18 certification?

19 A. No. But there is a distinction between
20 Koda and what we have today and so if there is not a
21 power flow study that has been demonstrated to show
22 deliverability of a resource, the facility, if it's
23 new, must cause that power flow study to be
24 performed. In all of the applications that have been
25 submitted in the present consolidated cases, there

1 have been power flow studies that have been
2 performed. Those power flow studies were part of the
3 interconnection process in MISO, and the second
4 supplemental responses notes the amount of ERIS and
5 NRIS, which is Network Resource Interconnection
6 Service, those resources have in MISO and there is no
7 power flow study conducted at that time regarding
8 that interconnection that attaches those resources to
9 PJM.

10 The only power flow study that -- that I
11 had an opportunity to review and not take into
12 account those deliverability volumes, the quality of
13 interconnection service, congestion on the system,
14 again, there is just the documents that -- the PJM
15 power flow data was submitted with the applications.

16 Q. It is your understanding, sir, MISO and
17 PJM have a joint operating agreement; is that
18 correct?

19 A. That's correct.

20 Q. And that joint operating agreement has
21 been refined since 2011; is that correct?

22 A. To my understanding, yes.

23 Q. And the joint operating agreement
24 requires coordination when it comes to injection into
25 the grid and interconnection; is that correct?

1 A. Injection --

2 Q. I'm sorry, injection of a generating
3 facility into the grid, it requires coordination. It
4 requires MISO or PJM to be notified if there's a
5 certain level of generation injection; is that right?

6 A. If there is a certain level of generation
7 injection?

8 Q. Yeah. If there is a certain DFAX impact;
9 is that correct?

10 A. DFAX impact associated with -- with what?

11 Q. Loadflow between the RTOs.

12 A. But in which context? Is it -- is it
13 transmission service? Transmission expansion?
14 Interconnection?

15 Q. Yeah. You talked about that when there
16 is a new facility coming online, that there is an
17 interconnection fa -- study; is that correct?

18 A. Interconnection process which includes
19 studies, yes.

20 Q. And I believe you were in the room
21 yesterday when Mr. Chiles testified?

22 A. I was.

23 Q. And there was some discussion about when
24 MISO has to notify PJM and vice versa --

25 A. Uh-huh.

1 Q. -- during that interconnection process;
2 is that correct?

3 A. That is correct.

4 Q. Okay. So when there is an impact, a DFAX
5 study impact that's greater than a certain
6 percentage, the one RTO has to notify the other RTO;
7 is that correct?

8 A. Yeah. Inside of that process, I believe
9 the threshold that Mr. Chiles identified was
10 3 percent and to my understanding that is -- that's
11 accurate. And what happens is MISO informs PJM that
12 they have identified an impact on PJM's system, and
13 PJM performs what is referred to as an affected
14 system study. And there is no affected system
15 studies associated with these MISO-based facilities
16 inside of these applications.

17 Q. Sure. And is -- is that required by Ohio
18 law or the Commission's rules, the second study that
19 you are talking about?

20 A. If you are demonstrating deliverability
21 and you would like to comply with Koda to provide
22 your power flow studies, if an affected system study
23 was triggered, then it should have been provided.

24 Q. So okay. So can you tell me one
25 Commission proceeding that you reviewed since 2011

1 where another study in addition to the DFAX study was
2 required?

3 A. Inside of Koda itself we are dealing with
4 a MISO-based facility. Koda itself required that
5 MISO and PJM provide DFAX studies to the Commission.
6 And in this case we have a MISO-based facility and no
7 MISO DFAX.

8 Q. Isn't it true that since the operating
9 agreement was put into effect, that the MISO and PJM
10 coordinate and have access to each other's system in
11 order to perform modeling and studies?

12 A. Which operating agreement?

13 Q. The PJM-MISO operating agreement that
14 we've been discussing. I believe you reference it in
15 your testimony.

16 A. The joint operating agreement?

17 Q. Yes. Dated December 11, 2008.

18 A. They perform those studies as part of
19 their interconnection queue cycle, and the results of
20 those studies do not get reported directly to the
21 Ohio Commission.

22 Q. Okay. So I got to go back here because
23 you said something. Isn't it -- I thought you agreed
24 with me earlier that the Commission Koda test and the
25 application of that test since 2011 had, in fact,

1 been applied to noncontiguous facilities located in
2 MISO, and the Commission had approved those based on
3 the DFAX study performed by PJM. Is that not
4 correct?

5 A. That has taken place, yes.

6 Q. Thank you. And now I was trying to ask
7 you about Ohio certification requirements, okay? So
8 does Ohio's renewable energy certification
9 requirements require facilities to be new in order to
10 qualify?

11 A. No, it does not.

12 Q. Okay. In fact, it's an older date. It
13 has to be -- for wind facilities it has to be newer
14 than January 1, 1998; is that correct?

15 A. That is correct.

16 Q. And did you review -- I think you said
17 earlier today you reviewed Ohio Revised Code 4928.64
18 as part of your testimony, right?

19 A. Excuse me, counsel. I am going to
20 reference my -- reference my testimony here, I am. I
21 don't have that memorized.

22 Q. I think it was on page 3, if I recall.

23 A. Thank you. Oh, I'm sorry. I am looking
24 at the attachment of my testimony. Let me get...

25 Q. Page 3 of your testimony.

1 A. Thank you.

2 Q. You are familiar with -- I'm sorry. Did
3 you answer that? I apologize.

4 EXAMINER HICKS: I think he is checking.

5 A. It's here, so I do reference 4928.64
6 Subsection (B) (3).

7 Q. Okay. But it's fair to assume you are
8 familiar with 4928.64. At least you reviewed it
9 before drafting your testimony, right?

10 A. That's correct.

11 Q. Okay.

12 MS. BOJKO: Your Honor, I am not going to
13 mark this, but in all fairness I think it appropriate
14 to put the statutory provision before the witness
15 before I ask him questions.

16 EXAMINER HICKS: Sure.

17 MS. BOJKO: May I approach?

18 EXAMINER HICKS: Yes.

19 Q. (By Ms. Bojko) Okay. Does this appear to
20 be Section 4928.64 of the Ohio Revised Code?

21 A. It does.

22 Q. It makes it easier you are a lawyer. You
23 actually know what it looks like, right? Looking at
24 (A) (1) (a) of the Statute 4928.64, (A) (1) (a) is the
25 placed-in-service date January 1, 1998, that we just

1 talked about, correct?

2 A. Yes.

3 Q. Isn't it true that -- and you know --
4 this may sound elementary but to lay the foundation
5 you do know in Ohio that the legislature, the General
6 Assembly, would have to revise the statutory section,
7 right?

8 A. That's correct.

9 Q. And the General Assembly in this context
10 could have changed the law to include a more recent
11 placed-in-service date if they wanted to limit REN
12 certification to new facilities, couldn't it?

13 A. Yes. Of course.

14 Q. And, in fact, the General Assembly has
15 changed the law a couple times, has it not?

16 A. I think that's a fair categorization.

17 Q. Turning to page -- okay. You still have
18 the Koda Staff Report in front of you that we talked
19 about? That was Blue Delta Exhibit --

20 A. Exhibit 9.

21 Q. 9, thank you. Okay. So -- I'm sorry.
22 You have answered some of these questions. I am
23 trying to not repeat or be redundant. Turning to the
24 page 8 of the Koda Staff Report in front of you, the
25 Staff -- does the Staff Report recommend limiting

1 applicants to requesting the studies to only the
2 situation you mentioned in your testimony which is
3 new facilities and an RTO in -- or a noncontiguous
4 PJM state?

5 A. My appreciation for the Koda standard
6 here and the recommendations that are contained
7 inside of the Staff Report weren't so much they were
8 limiting, but they were looking for a way for new
9 facilities to create an opportunity here in Ohio.
10 And by causing these DFAX studies to be done, that
11 would be creating that opportunity for those new
12 facilities.

13 Q. But Koda does not state that the
14 generating facility has to be not yet operational or
15 just newly put in, does it?

16 A. No. And that's not -- that's
17 inconsistent with my testimony.

18 Q. Okay. Isn't it true -- we were just
19 talking about the General Assembly changing this law.
20 Isn't it true that the General Assembly removed the
21 solar carve out from the RPS program in 2014 through
22 Senate Bill 310?

23 A. Counsel, I am not familiar with all of
24 the energy legislation the Ohio assembly has passed.

25 Q. Well, no. I don't mean all the

1 legislation, sir. I am talking about you did say you
2 were familiar with that the RPS standard in Ohio has
3 changed since or has changed, correct?

4 A. I am familiar with it but not the
5 legislative history.

6 Q. Okay. So you are familiar that -- are
7 you familiar that the in-state requirement that was
8 contained in the law was removed?

9 A. At which date?

10 Q. 2019. That one was through House Bill 6.

11 A. I'm familiar -- vaguely generally
12 familiar with that.

13 Q. And the one that I prior -- previously
14 mentioned, you are familiar that the General Assembly
15 removed the solar carve out from the RPS program in
16 2014.

17 A. I'm not familiar with that.

18 Q. Okay. So you are -- you do realize that
19 the RPS program in Ohio per the statute does not
20 require an -- does not contain an in-state
21 requirement or a solar carve out, does it?

22 A. My appreciation for the requirements are
23 that if it's not an in-state facility and it's not
24 contiguous through the state, a power flow study must
25 be conducted to demonstrate deliverability into the

1 State.

2 Q. Okay. And so the General Assembly could
3 have explicitly required only contiguous states to be
4 certified as deliverable, correct?

5 MR. WHITT: Your Honor, at this point I
6 need to object. I have tried to be patient while the
7 witness is at least being asked to read -- why it's
8 necessary I don't know, but read current legislation.
9 And now we are getting not only into repealed
10 legislation but hypothetical legislation.

11 MS. BOJKO: Happy to rephrase.

12 MR. WHITT: Irrelevant and cumulative.

13 EXAMINER HICKS: If you are going to
14 rephrase, I am not going to rule on the objection,
15 but I will say I think we have -- he's already
16 answered that the General Assembly has the ability to
17 alter the statute.

18 MS. BOJKO: Sure. I'll rephrase, your
19 Honor.

20 EXAMINER HICKS: So I think we're --

21 Q. (By Ms. Bojko) I am going to talk about
22 the statute in front of you, sir. There is not a
23 requirement that contiguous states be deemed
24 deliverable; is that correct? There is not a
25 requirement that only contiguous states be certified

1 by the Commission --

2 MR. WHITT: Your Honor --

3 Q. -- is that correct?

4 MR. WHITT: I'll object. If it would
5 help, we are happy to stipulate to the codified laws
6 of the State of Ohio in connection of those laws as
7 enacted by the General Assembly.

8 MS. BOJKO: Your Honor, the witness is
9 opining on Ohio law.

10 MR. WHITT: He's not.

11 MS. BOJKO: I am allowed to explore the
12 level of his recollection and understanding of that
13 Ohio law.

14 MR. WHITT: If I may, you got him to
15 admit he is not testifying as a lawyer. He's not
16 offering legal opinions. I don't dispute, counsel,
17 your right to make your argument in your brief, but I
18 don't know why we need a preview of your brief with
19 the witness. That's all I'm saying.

20 EXAMINER HICKS: I'll overrule the
21 objection. You can ask about the current law but any
22 hypotheticals or what someone could do or may do,
23 let's try to bypass those.

24 MS. BOJKO: Sure. Thank you, your Honor.

25 Q. (By Ms. Bojko) So I think there is a

1 current question pending. It sounded like it might
2 not have been so artful, so I will try again. Isn't
3 it true that the current law does not only allow
4 certification of facilities located in contiguous
5 states?

6 A. The current law permits certification
7 from generation facilities, qualifying generating
8 facilities --

9 Q. Sure.

10 A. -- located in noncontiguous states.

11 Q. And thank you for that clarification. I
12 appreciate that. Let's turn to page 15 of your
13 testimony, lines 320 -- line 329 it starts. Are you
14 there?

15 A. I am.

16 Q. Here you state that REN certification for
17 non-deliverable resources can potentially increase
18 localized emissions and cause loss of economic
19 impacts and job creation; is that correct?

20 A. I don't -- that's not my exact statement
21 in lines 329 to 331. In 329 in referencing the
22 question above I say "These include the potential for
23 increased localized emissions, increased wholesale
24 power prices, and loss of economic impacts and job
25 creation related to localized installation of

1 renewable resources."

2 Q. Okay. So you are testifying that REN
3 certification for non-deliverable resources can
4 potentially increase localized emissions and cause
5 loss of economic impacts and job creation; is that
6 correct?

7 A. Yes.

8 Q. A non-Ohio facility wouldn't have more of
9 an impact on Ohio's localized emissions simply by
10 virtue of being in PJM instead of MISO, would it?

11 A. I'm sorry. Can you ask that question
12 again?

13 Q. Sure. A non-Ohio facility wouldn't have
14 more of an impact on Ohio's localized emissions
15 simply by virtue of being in PJM instead of MISO,
16 would it?

17 A. Yes, it would. So the way the RTO --

18 Q. No. I don't need an explanation. Thank
19 you.

20 A. Of course.

21 Q. Okay. And so it's your testimony here
22 today that a non-Ohio facility would have more of an
23 impact on Ohio's localized emission? Just a yes or
24 no is great.

25 A. My testimony is that resources that are

1 non-deliverable to Ohio have a negative impact on
2 emissions and cost efficiencies.

3 Q. So you are stating that a facility
4 located in PJM that's a noncontiguous state has a
5 higher effect on localized emissions than a facility
6 located in MISO in a contiguous state?

7 A. Counsel, the qualifier here that is
8 really significant is deliverable. My testimony is
9 that resources that are not deliverable to Ohio have
10 these negative impacts.

11 Q. And would you believe that a non-Ohio
12 facility would have more of an impact on Ohio jobs
13 simply because it's located in PJM?

14 A. I don't understand the question, counsel.

15 Q. Okay. You are not testifying here today
16 that a non-Ohio facility located in a noncontiguous
17 state has less of an impact -- or more of an impact,
18 excuse me, than a facility located in MISO, are you?

19 A. Counsel, I'm sorry to ask you to repeat
20 that. I'm just not following the qualifiers in the
21 question. Can you just walk -- if you walk me
22 through that one more time, I will do my best.

23 Q. Yeah. I am trying to put it in terms of
24 your testimony, sir. So you are -- well, strike
25 that.

1 Okay. So let's take -- let's take an
2 example. That might be more helpful. If we have two
3 identical facilities, renewable facilities, located
4 in two noncontiguous states to Ohio, one facility is
5 located in PJM and one facility is located in Ohio.
6 Your testimony -- gosh darn it.

7 MS. BOJKO: Your Honor, can we strike
8 that and let's try again?

9 EXAMINER HICKS: Yes.

10 MS. BOJKO: I thought I was doing so
11 well.

12 Q. (By Ms. Bojko) You have two facilities,
13 identical facilities, renewable facilities. One is
14 located in MISO, and one is located in PJM. Both are
15 noncontiguous states. Are you testifying that one
16 facility has a greater impact on Ohio jobs because it
17 is located in PJM?

18 A. No. My testimony is that resources that
19 are not physically deliverable to serve Ohio
20 customers have a negative impact on.

21 Q. And does that include non-deliverable
22 facilities in PJM?

23 A. Non-deliverable facilities in PJM would
24 not be certified under Koda.

25 Q. And you would agree with me that

1 emissions don't travel, would you?

2 A. I would agree with you emissions don't
3 travel?

4 Q. Well, let me try that again. Localized
5 emissions would not travel with the contract path of
6 electricity, would they?

7 A. Localized emission -- I'm sorry, counsel.
8 I'm not...

9 Q. Yeah. Let's put it this way, do
10 emissions travel across transmission lines?

11 A. We are talking the difference between air
12 pollution and the flow of electricity, so if you are
13 talking -- like if you are saying that do
14 transmission lines carry emissions?

15 Q. Yeah.

16 A. They don't.

17 Q. Thank you. Yeah. And if those emissions
18 don't travel through the transmission lines, then why
19 does deliverability matter?

20 A. If emissions don't travel through
21 transmission lines, why does deliverability matter;
22 is that -- am I understanding that question
23 correctly?

24 Q. You are.

25 A. Okay. So -- excellent. Okay. I think I

1 am understanding. So what happens is that when a
2 resource is deliverable to a specific load and it's
3 included in the network model, it's going to be
4 dispatched in real time by PJM or by MISO, and it's
5 going to have an impact on the supply stack that's
6 being dispatched to serve those customers during that
7 period of time. The resource is not deliverable to
8 Ohio, but it's being kind of credited as -- as
9 contributing to Ohio renewable attributes. Another
10 resource is going to be dispatched in its place. And
11 that other resource that can be dispatched in its
12 place can be gas or a fossil fuel unit.

13 Q. But it could also be a renewable
14 facility, could it not?

15 A. There's -- it could be.

16 Q. And it also could be a facility not
17 located in Ohio, so it had no effect on the localized
18 emissions, correct?

19 A. Had no effect on the localized. The way
20 that these markets are dispatched are through a
21 security-constrained economic dispatch. We can run
22 through a million hypotheticals here as to what is
23 going to be dispatched and how emissions are going to
24 like generally flow.

25 But what's going to happen is if

1 resources that are not deliverable to Ohio are being
2 dispatched in a way that is not serving Ohio
3 customers, somebody else is going to, and the
4 majority of the resources that are on the footprint
5 today that are going to fill that -- fill that gap,
6 those are fuel -- those are fossil fuel-based
7 resources, so you will see localized increased
8 emissions.

9 Q. If MISO dispatches the plant, does it
10 produce emissions?

11 A. What plant?

12 Q. Where would the emissions be produced?
13 At the plant?

14 A. Which plant, counsel?

15 Q. Right. Any plant, where would the
16 emissions be produced? At the plant or at the end
17 point of deliverability?

18 A. Some -- some -- some plants don't produce
19 emissions like solar or wind.

20 Q. Of course. But if there were emissions,
21 because that's what you are talking about in your
22 testimony, the impact of emissions, so if emissions
23 are produced, are they produced at the facility, at
24 the plant?

25 A. Typically, yes.

1 Q. And they would be produced at the
2 location of the plant, correct?

3 A. That is correct.

4 Q. Okay. So if the plant is not located in
5 Ohio, the emissions would be produced into the air at
6 the location of the non-Ohio state, correct?

7 A. If a wind farm in Minnesota is being
8 credited as serving Ohio load but it is not
9 deliverable to Ohio load, a resource inside of Ohio
10 or close to it will be dispatched to serve that load.
11 And it is the likelihood of that resource -- the
12 likelihood is that resource will have emissions.

13 Q. Okay.

14 MS. BOJKO: Your Honor, I move to strike
15 that answer as nonresponsive. My question was where
16 air pollutants, air emissions enter the air and if
17 it's at the state or where the facility is located or
18 at the end point where there is a contract deliver --
19 delivered power.

20 MR. WHITT: Your Honor.

21 EXAMINER HICKS: No need. Denied. You
22 are asking very open ended hypothetical questions, so
23 you are going to get explanations on your answers.

24 MS. BOJKO: Okay. Could I have my last
25 question reread, your Honor?

1 EXAMINER HICKS: Sure.

2 MS. BOJKO: Because I don't think he
3 actually answered it.

4 (Record read.)

5 Q. (By Ms. Bojko) Let me rephrase. I see
6 you're struggling. If there is a plant -- and I am
7 not talking about a renewable facility because you
8 were just talking about -- your whole premise of
9 emissions is regarding a dispatch of a nonrenewable
10 facility to replace the electricity if it's
11 dispatched in a different way; is that fair?

12 MR. WHITT: Your Honor, I'm sorry. I
13 need to object. At this point the line of
14 questioning is argumentative. The witness has
15 answered the question.

16 EXAMINER HICKS: I am going to overrule
17 the objection. She is asking him what his testimony
18 is saying. You need -- if she is mischaracterizing
19 your testimony, you have the opportunity to correct
20 it.

21 THE WITNESS: Okay.

22 EXAMINER HICKS: Go ahead, Ms. Bojko.

23 MS. BOJKO: I'm sorry. I don't remember
24 that question. Could I have that one reread?

25 EXAMINER HICKS: Sure.

1 (Record read.)

2 MS. BOJKO: Just let me rephrase. I'm
3 sorry.

4 Q. (By Ms. Bojko) Your testimony premised
5 around emissions and localized emissions as you
6 reference on page 15 of your testimony. The premise
7 of your comment about emissions negatively impacting
8 Ohio, is the underlining premise that if a renewable
9 facility that's certified is not actually physically
10 delivered and another nonrenewable facility is
11 dispatched in its place, that those air emissions
12 from the nonrenewable facility could negatively
13 impact Ohio; is that correct?

14 A. That's close. It's close. If a
15 non-deliverable facility is being credited as serving
16 Ohio customers and is, in fact, not, another facility
17 would need to be dispatched and turned on to serve
18 those customers, there is a high likelihood that
19 facility will be emitting pollution in or close to
20 Ohio.

21 Q. How -- how do you jump to there? Where
22 is your -- strike that.

23 Highly likely, are you saying that you
24 intimately work with PJM's dispatch model, and you
25 know which facility is going to be dispatched if the

1 Barton 1 renewable facility is not delivered to Ohio?

2 A. That's not my testimony, counsel. What
3 happens inside of these economic dispatch models is
4 that if you remove a resource, there has to be a
5 replacement resource on the margin. On the margin
6 resources most often are gas and coal. You can
7 confirm that -- you can confirm that just by going on
8 PJM's website. You can confirm that just by looking
9 at LMPs.

10 Q. How many fossil units are marginal
11 resources in PJM today?

12 A. In which -- at which price point?

13 Q. I'm sorry. Are you talking purely an
14 economic dispatch model and your whole testimony is
15 based on at which price point, or are you talking
16 about localized emissions traveling to Ohio?

17 A. Counsel, I was just trying to answer the
18 question that was presented to me.

19 Q. So you can't answer how many fossil
20 fuel -- fossil units run in PJM on the margin at any
21 given point, can you?

22 A. So I can't. What happens there is there
23 is a new location marginal price set at a thousand --
24 couple thousand price points throughout -- throughout
25 PJM every 5 minutes. So I can't tell you what the

1 exact unit is that's going to be setting price for
2 one or multiple price points throughout the
3 footprint.

4 Q. Okay. But you are sitting here today
5 claiming that if Barton 1 wind facility receives
6 certification, that if that facility is taken offline
7 or there is no actual deliverability, physical
8 electrons delivered to Ohio, you are saying that that
9 situation will create a negative localized emission
10 and job creation in Ohio, right? Is that your
11 testimony?

12 A. My testimony is very close.

13 Q. Okay.

14 A. My testimony is that if a non-deliverable
15 resource is being credited as serving Ohio customers
16 when, in fact, it is not, a replacement resource has
17 to come online and one of those replacement resources
18 would very likely be a fossil fuel resource and
19 Ohio -- Ohio residents are not getting the benefit of
20 developing new renewable resources in the state and
21 getting that benefit from job creation.

22 Q. Okay. Where does it say in either the
23 Commission's rules, the Commission's orders, where
24 does it discuss replacement power?

25 MR. WHITT: Your Honor, I am going to

1 object and also note we are now approaching three
2 times the estimated cross and this is only the first
3 party. This is so --

4 EXAMINER HICKS: Okay.

5 MR. WHITT: I object.

6 EXAMINER HICKS: Your objection is noted.
7 Cross estimates are irrelevant to me, so while I wish
8 everyone could stick to them, I know the reality.

9 MS. BOJKO: And I did preview my failure
10 yesterday.

11 EXAMINER HICKS: Understood. We are not
12 approaching a certain unnamed attorney so. But I
13 will let you ask this last question, but I feel like
14 we are running on a hamster wheel here.

15 MS. BOJKO: I'm sorry. As -- you're
16 saying as it relates to his testimony? Because I
17 don't understand his testimony either. That's why --

18 EXAMINER HICKS: He has given the same
19 answer four times.

20 MR. WHITT: I'll just represent I have
21 tried to talk him out of his testimony in prep. I
22 couldn't do it. Mr. DeMonte couldn't do it. But
23 good luck.

24 MS. BOJKO: I don't know what that means.

25 EXAMINER HICKS: I don't know what that

1 means either. I'm not concerned. But go ahead. I
2 don't even remember what your last question was. Ask
3 the question. I feel like we have had the same
4 question and answer at least three or four times.
5 You may not like the answer, but I think that is the
6 answer.

7 MS. BOJKO: Okay. I will withdraw that
8 and ask another question.

9 Q. (By Ms. Bojko) Yeah. PJM has sufficient
10 resources to serve load in Ohio today; is that
11 correct?

12 A. I believe that is correct. There have
13 been some load curtailments in Ohio but they -- if
14 my -- I think those more closely related to
15 transmission outages but there may be -- there may
16 have been some supply shortfall at some point in time
17 that I am just not -- I don't know all the details
18 about it.

19 Q. I'm sorry. Transmission curtailments,
20 that was not my question. I guess we said generating
21 resources is sufficient to serve the load in Ohio.

22 A. If you're just looking at demand and load
23 and reserve requirements, yes, PJM has adequate --
24 adequate resources and reserve requirements to serve
25 the load.

1 Q. Way over. The reserve margin today is in
2 the teens; isn't that correct?

3 A. You might be --

4 Q. 20s?

5 A. Yeah. I think it's approaching 20.

6 Q. Fair enough. So with or without Barton
7 wind facility, PJM has sufficient resources to serve
8 Ohio load; is that right?

9 A. PJM has sufficient deliverable resources
10 to my understanding to serve Ohio load.

11 Q. How about let's ask on page 15 to 16, you
12 argue that reduction in certain emissions benefits
13 Ohioans; is that correct?

14 A. The question that I am answering is how
15 am I allowing non-deliverable resources to
16 participate in increased localized emissions in Ohio;
17 that's the question that I am answering.

18 Q. So are you -- are you saying that you are
19 not stating in your testimony that a reduction in
20 certain emissions benefits Ohioans?

21 A. Reduction in certain emissions benefits
22 Ohioans, I think that's safe -- that's a fair
23 characterization of my portion of my testimony.

24 Q. So have you performed any research or
25 analysis to see how the price of RECs correlates to

1 increases or decreases in emissions?

2 A. No, I have not.

3 Q. Are you aware that some states allow for
4 the use of undeliverable or unbundled RECs?

5 A. Am I for the purposes of my testimony? I
6 was just focusing on what Ohio does.

7 Q. You are not aware that some states allow
8 for unbundled RECs?

9 A. Unbundled, can you explain unbundled to
10 me, please?

11 Q. Yeah. The -- okay. You don't know what
12 the term unbundled RECs means?

13 A. So I have a -- I have an appreciation,
14 but I don't know the question that you are asking,
15 what your understanding of unbundled means.

16 Q. Okay. Is your understanding of an
17 unbundled REC that they are RECs with no
18 deliverability requirement?

19 A. Yes.

20 Q. Okay. So we are on the same page. Have
21 you conducted any research to quantify the
22 environmental effects of the use of unbundled RECs?

23 A. In Ohio, no.

24 Q. In any states that have unbundled RECs.

25 A. No.

1 Q. So you don't know the environmental
2 impact of using unbundled RECs, do you?

3 A. My testimony isn't about the
4 environmental impact of unbundled RECs. It's about
5 the negative impact of dispatching fossil fuel
6 resources to replace non-deliverable clean energy
7 resources.

8 Q. Okay. Let's turn to page 17 of your
9 testimony, lines 383 to 384. Here you state that
10 allowing "Non-deliverable projects makes it more
11 difficult for projects in Ohio to be competitively
12 procured and constructed." Do you see that?

13 A. Yes.

14 Q. Are you aware of any projects in Ohio
15 that were not constructed due to the price of RECs?

16 A. Am I aware of any projects? Any projects
17 that were specifically perspective, not built due to
18 Ohio REC prices?

19 Q. Yes.

20 A. No.

21 Q. Have you performed any research to see
22 how the price of RECs correlates to increases or
23 decreases in competitively-procured and constructed
24 renewable projects?

25 A. I've -- I work regularly with renewable

1 project developers, and I help them understand the
2 impact of -- the impact of REC pricing and other
3 products as to how they would affect financing or
4 project viability.

5 Q. And you did not do that specific to your
6 testimony in this case for Ohio, did you?

7 A. What I did was I took my observations
8 from my work experience and my expertise and applied
9 it to this case.

10 Q. I guess did you do a specific analysis of
11 how the price of RECs correlates to construction
12 projects in Ohio?

13 A. Cost of RECs, no, I did not conduct that
14 type of threshold analysis.

15 Q. And you are familiar with both M-RETS and
16 GATS, is that correct, the tracking system for
17 renewable energy credits?

18 A. They are separate systems. I am familiar
19 with them, yes.

20 Q. Oh, thank you. Yes. M-RETS is for MISO;
21 GATS is for PJM; is that correct?

22 A. That's correct.

23 Q. So when a REC is generated from a
24 renewable facility's output, it is registered in
25 either M-RETS or GATS, and then if a REC is sold or

1 retired, that's also registered in M-RETS and GATS;
2 is that correct?

3 A. It is.

4 Q. And isn't it true that in M-RETS and
5 GATS, as of November 2022, there are over 1,500
6 non-PJM facilities currently registered as eligible
7 to sell RECs in Ohio?

8 A. Can you ask that question one more time,
9 please?

10 Q. Sure. Isn't it true in M-RETS and GATS,
11 as of November 2022, there are over 1,500 non-PJM
12 facilities currently registered as eligible to sell
13 RECs in Ohio?

14 A. I have never completed a count, but I
15 won't argue with you on 1,500.

16 Q. And do you know whether 1,421 of those
17 are located in MISO?

18 A. I do not.

19 Q. Do you know that approximately 8,000 PJM
20 facilities are currently registered as eligible to
21 sell RECs in Ohio?

22 A. I don't have -- I know there are a lot of
23 facilities registered. 8,000 may or may not be
24 correct.

25 Q. Well, is it true that PJM units,

1 renewable facilities, that are registered to sell
2 RECs in Ohio, those facilities generally have an
3 option to also sell RECs in other states?

4 A. Counsel, I don't know the options for all
5 of those facilities. And so depending on which state
6 they are in, depending on the size of the facility,
7 depending on the technology, all of those things can
8 impact whether or not they are eligible for RECs in
9 multiple states.

10 Q. Sure. Of course. So -- so speaking a
11 little bit more generally, it's fair to say that a
12 renewable facility that's registered to sell their
13 RECs in Ohio can also be registered to sell their
14 RECs in another state assuming they meet that state's
15 certification requirements?

16 A. I would agree with that to the extent
17 that I would change can to may if I was to -- if I
18 was to adopt that.

19 Q. Sure. Facilities can receive multiple
20 state certifications if they satisfy that state's
21 renewable portfolio standards?

22 A. Some of them, yes.

23 Q. And some other states -- you are familiar
24 with other states outside of Ohio you stated. Those
25 other states outside of Ohio may have more favorable

1 renewable portfolio standards; is that correct?

2 A. What do you mean by more favorable?

3 Q. Well, the REC price might be higher than
4 Ohio; is that correct?

5 A. Other states do have REC prices that are
6 higher than -- higher than Ohio to my knowledge.

7 Q. And if an Ohio facility was registered to
8 sell their RECs in Ohio is also certified to sell
9 their RECs in another state that has a higher REC
10 price, that unit would likely choose to sell their --
11 their RECs in another state that has a higher REC
12 price, correct?

13 A. It would be delivering the clean energy
14 to Ohio, in turn producing a REC, and then retiring
15 that REC to another state in exchange for higher
16 compensation.

17 Q. I'm sorry. My -- do you believe that
18 when you retire a REC or sell your REC to another
19 state, that you also have to deliver the power to
20 that state?

21 A. That's not what I -- that's not what I
22 had testified to.

23 Q. Oh, I'm sorry. I misunderstood.

24 MS. BOJKO: Could I have his answer
25 reread, please? I didn't mean to mischaracterize

1 your testimony. I apologize.

2 (Record read.)

3 Q. (By Ms. Bojko) You are saying that if the
4 Ohio -- I'm sorry. I misunderstood your response.
5 You are saying that the Ohio facility that generates
6 would sell the renewable energy credit to another
7 state for a higher price.

8 A. Under your --

9 Q. They are unbundled.

10 A. Under your scenario, dealing with an
11 Ohio-based facility --

12 Q. Right.

13 A. -- that qualifies to sell RECs in Ohio is
14 delivering -- is deliverable to Ohio is taking its
15 REC product, selling it to another state; is that
16 correct?

17 Q. I said Ohio facilities so that assumes
18 deliverability under the Ohio law, but sure.

19 A. Certainly this is a -- it's an issue
20 we've been discussing. So just for clarity, if that
21 is -- if that's the options in front of the -- in
22 front of we'll just use Pennsylvania, for example,
23 they want to retire the RECs in Pennsylvania, they
24 could do that, sure.

25 Q. And similarly if there's a facility

1 located in Pennsylvania that's also certified to sell
2 their RECs in Ohio, they could generate the
3 electricity in Pennsylvania, and they could sell
4 their renewable energy credit to Ohio, correct?

5 A. If they were certified, it would be
6 deemed deliverable to Ohio, then they would be able
7 to produce their energy in Pennsylvania and sell
8 their RECs to Ohio.

9 Q. And CSG, in fact, aggregates, you stated
10 earlier, solar renewable energy credits from
11 customers' facilities in Ohio; is that correct?

12 A. To my understanding, yes.

13 Q. And CSG sells their RECs from their Ohio
14 facilities to any state that will purchase those? Do
15 you know -- let's back up.

16 Do you know whether CSG's facilities in
17 Ohio that it aggregates the RECs for are also
18 certified to sell the RECs in other states?

19 A. I have a familiarity with CSG's business
20 model. I do not know how they conduct their actions.
21 I don't have any independent knowledge of any
22 facility that they have contracted with. Certainly
23 that is beyond the scope of our engagement.

24 Q. Are you aware that the PJM units eligible
25 to sell RECs in Ohio, of those all but five are also

1 eligible to sell RECs in other states with more
2 favorable RPS programs?

3 MR. WHITT: Objection, assumes facts.

4 EXAMINER HICKS: Any response?

5 MS. BOJKO: I don't think -- I am asking
6 if he is aware.

7 EXAMINER HICKS: I will overrule. If you
8 are aware, you can answer. If you're not, that's a
9 valid answer.

10 A. Yeah. I am not aware.

11 Q. Are you familiar with siting issues that
12 renewable facilities need to be sited in a particular
13 state, for instance, in Ohio it's -- certification is
14 through the Ohio Power Siting Board?

15 A. I am not.

16 Q. And your testimony then does not take
17 into effect any siting difficulties for renewable
18 facilities, if there are any, does it?

19 A. No, it does not.

20 Q. Let's turn to page -- I'm almost done.
21 Let's turn to page 15 of your testimony, line 340. I
22 have a clarification question. Line 340, you use the
23 word here "out-complete," phrase. Did you mean
24 "out-compete" here?

25 A. I did.

1 Q. Okay. Turning to page 17, line 390, here
2 you talk about the Ohio renewable requirements that
3 are designed to be procured. Do you see that?

4 A. Yes.

5 Q. You use the word "designed." Were you
6 involved in the legislative process that created RPS,
7 the -- that designed the State's RPS?

8 A. No, I was not.

9 Q. So you're just speculating as to what the
10 intent of the General Assembly was saying here; is
11 that correct?

12 A. I am not speculating. We heard a lot of
13 testimony even yesterday from Mr. Nelson articulating
14 how REC prices are set, how they are a bit dynamic.
15 You know, that is -- that's how -- that's simply how
16 the RPS -- sorry, how the other REC market functions
17 in Ohio.

18 Q. But I'm sorry. I don't think -- in this
19 one you seem to be talking about the Ohio renewable
20 requirements which I took that to mean the statutory
21 requirements or the Commission's rule requirements;
22 is that not correct?

23 A. Renewable requirements and targets that
24 are then satisfied through the retirement of RECs and
25 those RECs are priced based on market dynamics.

1 Q. So you weren't talking about how the
2 renewable requirements were designed by the General
3 Assembly or the Commission's rules?

4 A. I was talking about the general design,
5 the market design, and the construction as to how
6 those requirements are actually satisfied.

7 Q. Okay. In this answer 38, you discuss
8 the -- strike that. We already covered that.

9 Let's go back to the deliverability
10 requirement for a moment on page 11. I am looking at
11 your recommendation section.

12 A. Yes.

13 Q. If the Commission does not use the Koda
14 test, are you recommending that the Commission adopt
15 any other specific test?

16 A. I'll just cite the first line of my
17 testimony on page 247. "I am not recommending a
18 specific 'test' for deliverability." However, what I
19 provide here are range of options for the Commission
20 to consider if you would like to demonstrate
21 deliverability, maybe a power flow -- maybe a power
22 flow study coupled with additional analysis does
23 that. Again, I reference E-Tags here, so if you
24 could -- if you could show and demonstrate that your
25 resources -- that your generation from your resources

1 in -- I shouldn't say your, but from the Applicant
2 resources in South Dakota and Iowa is actually
3 flowing over the seam, that would -- to me that would
4 demonstrate deliverability. It's not quite inside of
5 Koda, but it would -- it would show it.

6 Q. But your recommendation is not to replace
7 the Koda test with another specific test, is it?

8 A. It's -- again, I am not providing a
9 specific recommendation. I think Koda is
10 sufficiently broad and allows the Commission to
11 consider multiple factors inside of a deliverability
12 analysis including a power flow study coupled with a
13 demonstration of deliverability. So the purpose of
14 my testimony here is simply to provide -- simply to
15 note for the Commission there are other options
16 available.

17 Q. So -- so you're not even disagreeing with
18 the Koda test here, are you? You are saying that the
19 power flow study used in the Koda test is an
20 appropriate tool that the Commission can use?

21 A. What Koda requires is that if there is an
22 external resource delivering to PJM requires a DFAX
23 study from that external -- from that external market
24 area and also PJM.

25 Q. Do you believe that the Koda test and the

1 use of the DFAX study is an appropriate tool that the
2 Commission can utilize?

3 A. You are asking -- the first part is if
4 the Koda test is an appropriate tool for the
5 Commission?

6 Q. Yes.

7 A. That is the Commission's standard and
8 inside of Koda the case itself requires a DFAX be
9 produced by two RTOs.

10 Q. So you are not challenging the Koda test
11 here today.

12 A. I think the -- I think the demonstration
13 of deliverability could be maybe a bit more clear,
14 but I am not challenging the precedent. That's not
15 the purpose of my testimony.

16 MS. BOJKO: Thank you. May I have just a
17 few moments?

18 EXAMINER HICKS: Sure. Go off the
19 record.

20 (Discussion off the record.)

21 EXAMINER HICKS: Let's go ahead and go
22 back on the record.

23 Just took a brief break and Ms. Bojko is
24 continuing with her cross-examination and I will hand
25 it back to her.

1 MS. BOJKO: Thank you.

2 Q. (By Ms. Bojko) Mr. Stewart, just a couple
3 clarification questions. You referred to I think
4 it's -- maybe we will just look at Staff Exhibit --
5 or Blue Delta Exhibit 9 which is the Koda Energy
6 Staff Report that recommended the creation or the
7 application of the Koda test. Do you have that in
8 front of you?

9 A. Yes, I do. Sorry.

10 Q. And in reference to some discussion we
11 had, you made a point to state that MISO and PJM
12 produced a DFAX study in that case; is that your
13 understanding?

14 A. That is my understanding.

15 Q. Well, isn't it true that the only study
16 that PJM and MISO produced in that case evaluated the
17 impact on transmission lines located in Ohio?

18 A. MISO and PJM conducted a study on
19 transmission lines in Ohio, yes.

20 Q. Okay. MISO, which is where Koda Energy
21 was located; is that correct?

22 A. From my understanding, yes.

23 Q. MISO did not evaluate the lines from
24 Minnesota, point A in your example, to Ohio line in
25 point B, did they?

1 A. I didn't see the exact DFAX report, so I
2 can't speak to that issue.

3 Q. Well, let's turn to page 6 of the Staff
4 Report in front of you. If you look at the third
5 sentence down in the Staff Report, it states
6 specifically what PJM and MISO evaluated. Do you see
7 that?

8 A. PJM, MISO, "The following guidelines and
9 assumptions were employed by PJM and MISO in their
10 studies. PJM and MISO used a 50/50 peak load
11 forecast for 2014. They did not evaluate the impact
12 on every transmission line located in Ohio."

13 Q. Correct. Keep going. The next sentence,
14 it says what PJM evaluated. "PJM evaluated the
15 impact on ten transmission lines located in Ohio and
16 MISO evaluated the impact on sixty-seven transmission
17 lines located in Ohio," correct?

18 A. Yes.

19 Q. So when you referred to the PJM and MISO
20 evaluating lines, MISO and PJM for Koda Energy
21 evaluated 77 transmission lines all located in Ohio.

22 A. I think that math adds up.

23 Q. And that's because MISO -- part of the
24 utilities in Ohio were located in MISO and part of
25 the utilities were located in PJM, correct?

1 A. That's what I believe was the scenario.

2 Q. So if all the utilities were located in
3 PJM, then PJM could model the transmission lines and
4 the impact of those located in Ohio, correct?

5 A. No. So we -- I think Mr. Chiles did an
6 excellent job yesterday walking through how a DFAX
7 study generally functions in that there is injection
8 points and then there are monitored elements, and so
9 MISO was monitoring -- they were assuming injections
10 at one point on their system, and then they were
11 modeling specific elements of the transmission system
12 inside of Ohio and here that was 67 lines.

13 Q. Okay. For the Applicants do you know how
14 many transmission lines PJM evaluated?

15 A. There's -- there are very long
16 appendices. I believe -- is it 57 page -- 57 pages
17 of different -- of different facilities that were
18 monitored inside of PJM's assessment after they
19 assumed deliverability into the PJM region.

20 Q. So it's safe to say they modeled more
21 than 77 -- or more than 67 transmission lines?

22 A. The number of transmission facilities
23 being monitored is -- isn't as significant as
24 assessing the impact on those facilities.

25 Q. But I -- it's fair to say that the Staff

1 Report does not include or reference any modeling of
2 transmission lines out of the State of Ohio; is that
3 correct?

4 A. I'm just reading -- because of your
5 question, I just want to refamiliarize myself with
6 the language around this sentence so one second,
7 counsel.

8 Can you ask your question again? I got a
9 little lost after I read some and I tried to remember
10 the question. Maybe it's easier to just...

11 Q. I was just asking if in the Staff
12 Report -- reviewing page 6 in the Staff Report
13 identified any transmission lines that MISO or PJM
14 evaluated the impact on outside of Ohio.

15 A. No. If you go back to page 5, it says
16 Staff requested that PJM and MISO conduct
17 distribution factor or power flow studies to
18 determine whether power flows from generating
19 facilities modeled within PJM and within MISO but
20 located outside of Ohio and outside of states
21 contiguous to Ohio have an impact on power flows over
22 transmission lines located within the State of Ohio.
23 So while the generation was modeled outside of Ohio,
24 they are specifically monitoring transmission lines
25 located within the State of Ohio.

1 MS. BOJKO: Okay. Great. Thank you.

2 I have no further questions, your Honor.

3 EXAMINER HICKS: Thank you, Ms. Bojko.

4 Okay. I believe based on our order --

5 order that was proposed, we would go to 3Degrees

6 next, although I believe your co-counsel may have

7 indicated no questions?

8 MR. MILLER: I have been instructed we
9 have no questions, your Honor.

10 EXAMINER HICKS: Perfect. That's what I
11 like to hear.

12 And next in line would be the Applicants.

13 MS. WHITFIELD: Yes, thank you, your
14 Honor, and I just have a few questions given
15 Mrs. Bojko's thorough examination.

16 MS. BOJKO: Sorry.

17 MS. WHITFIELD: That's all right.

18 - - -

19 CROSS-EXAMINATION

20 By Ms. Whitfield:

21 Q. Mr. Stewart, have you ever testified here
22 in front of the PUCO before today?

23 A. Good afternoon, counsel. No, I have not.

24 Q. And on page 2, line 41, of your
25 testimony, you state that you reviewed and are

1 generally familiar with the materials filed in this
2 case, correct?

3 A. Yes.

4 Q. And so you've reviewed the six REN
5 certification applications filed in this case by my
6 clients?

7 A. The REN certifications, I've reviewed the
8 web page, the -- there is kind of like that form
9 cover letter, talks about the facility location, has
10 pictures of the meters, I've reviewed those and the
11 files associated with those.

12 Q. When you say web page, are you talking
13 about --

14 A. The Public Utilities Commission of Ohio's
15 docket -- docket search.

16 EXAMINER HICKS: DIS.

17 Q. (By Ms. Whitfield) Thank you. I wasn't
18 sure which one you were talking about. So obviously
19 you had no role in completing those six applications,
20 correct?

21 A. No, I did not.

22 Q. And you never visited the six facilities
23 that are at issue in those applications?

24 A. I have done some site tours but not to
25 those.

1 Q. Okay. Did you review Avangrid's witness
2 Pete Landoni's testimony?

3 A. I did.

4 Q. And what about did you review Staff
5 witnesses' testimony in this case?

6 A. I did review Staff's testimony in this
7 case, yes.

8 Q. Have you ever assisted any renewable
9 facility in obtaining REN certification before the
10 PUCO?

11 A. I have not.

12 Q. And I believe you acknowledged earlier
13 with Ms. Bojko that there are three primary
14 requirements under Ohio law for REN certification.
15 Do you recall that?

16 A. Yes, I do.

17 Q. And one of those requirements is that the
18 facility must be a renewable energy resource as
19 defined by the statute?

20 A. Yes.

21 Q. And another one of those criteria under
22 the law is that the facility must meet the applicable
23 placed-in-service requirement?

24 A. Yes.

25 Q. And the final one is that the facility

1 must either have a facility in Ohio or produce energy
2 which is deliverable into Ohio.

3 A. Yes.

4 Q. Okay. And just so I'm perfectly clear,
5 because I thought there was a little bit of confusion
6 at the beginning of your cross, you are not
7 challenging or otherwise offering an opinion on
8 whether the Applicants use a renewable energy
9 resource such as wind energy at the six facilities,
10 do you?

11 A. To my understanding, wind generation
12 qualifies under the statute.

13 Q. Okay. So you are not challenging that.

14 A. I don't believe they are hiding coal.

15 Q. Thank you. And again, just to clarify,
16 you are not challenging or otherwise offering an
17 opinion on whether each of the Applicants' facilities
18 were placed into service after January 1, 1998?

19 A. No, I am not.

20 Q. Thank you. Just a couple follow-up
21 questions on the specific deliverability criteria.
22 It is your understanding that Staff requests or
23 requires power flow studies be provided from
24 applicants that file certification applications with
25 the PUCO, right?

1 A. Yes.

2 Q. Okay. And that -- and you are aware that
3 Staff has been doing that since the Koda case
4 decision.

5 A. My understanding is that that's what has
6 been happening.

7 Q. And the Koda decision was filed -- or the
8 case was filed in 2009; the decision was issued in
9 2011. Does that sound right?

10 A. It does.

11 Q. Okay. And so in question 19 on page 8 of
12 your testimony where it's -- where you reference --
13 where it's referenced that the Applicant proposed to
14 evaluate deliverability of the resources, using the
15 Koda test is not really the Applicants' proposal, is
16 it?

17 A. The Applicants chose to submit a DFAX
18 study to attempt to demonstrate deliverability.

19 Q. Okay. And that is something that --
20 Staff has been using and applying the Koda test since
21 2011.

22 A. My understanding is that Staff has been
23 applying the Koda test since 2011.

24 Q. Okay. And that they have been using the
25 DFAX study or accepting the DFAX study to determine

1 that deliverability issue, correct?

2 A. In the cases that I have reviewed, the
3 DFAX study has been used.

4 Q. And I believe you actually acknowledged
5 that, I know you are a lawyer, to Ms. Bojko that that
6 has been the precedent here at the PUCO for at least
7 over 10 years, right?

8 A. Yeah.

9 Q. And just to clarify, the precedent has
10 been that Staff would request the DFAX studies from
11 the Applicants seeking certification and then analyze
12 those DFAX studies, correct?

13 A. I'm not -- I understand that a DFAX study
14 is submitted. I don't know all of the process,
15 whether Staff requested it, whether the Applicant
16 offers it, whether there's a coordination with PJM
17 from somebody else, but I know that one is provided
18 as part of satisfying -- or attempting to satisfy
19 Koda's requirements.

20 Q. And to your knowledge, did Staff analyze
21 each of the facilities involved in this case, their
22 DFAX studies and determine whether the facility
23 satisfied the Commission's deliverability standard?

24 A. From what I understand, Staff -- Staff
25 does state that they evaluated the DFAX studies.

1 Q. Okay. And Staff issued Staff Reports in
2 each of those six cases, correct?

3 A. Yes.

4 Q. And you acknowledge that Staff concluded
5 in each of those cases and each of the Staff Reports
6 that Applicants' facilities satisfied the
7 Commission's deliverability test, correct?

8 A. That is my recollection of Staff's
9 recommendations in the six applications in this case.
10 I'm sorry. I should say that's consistent with my
11 recollection.

12 Q. Thank you. Mr. Stewart, I believe you --
13 you attached to your testimony Attachment TS-1 which
14 was the Applicants' responses to CSG's discovery
15 served on June 27, 2022?

16 A. Yes.

17 Q. And you are aware, are you not, that
18 Applicants have supplemented those responses on two
19 occasions, correct?

20 A. That was right here. Yes, I am.

21 Q. And which -- is that the --

22 A. The second supplemental responses issued
23 on September 15, 2022.

24 Q. Okay. So with respect -- if you could
25 turn to page 8 of your testimony, question 17 and

1 your answer to 17, line 176.

2 A. I'm sorry. One second, counsel.

3 Q. It's page 8, lines 176 to 178. It's
4 question 17.

5 A. Yes.

6 Q. Okay. So with you being aware of the
7 supplemental discovery responses from the Applicants,
8 this answer to question 17 is no longer accurate,
9 correct?

10 MR. WHITT: Objection.

11 EXAMINER HICKS: Hold on.

12 THE WITNESS: I'm sorry.

13 MS. WHITFIELD: Do you want me to
14 rephrase?

15 EXAMINER HICKS: Yes.

16 Q. (By Ms. Whitfield) So with respect -- in
17 your answer in your direct testimony to question 17,
18 you reference that the NERC E-Tags were requested in
19 discovery but not -- you say no studies were
20 provided. Do you see that?

21 A. Yes.

22 Q. But are you aware since you reviewed the
23 supplemental discovery responses that the Applicants
24 actually answered the question about the facilities'
25 NERC E-Tags?

1 A. I am just re-familiarizing myself with
2 the supplemental response, counsel. I'm just lost in
3 the document. I'm sorry, counsel.

4 Q. I could help and kind of streamline. If
5 you look at Interrogatory 2 --

6 A. Thank you.

7 Q. -- which should be the first one.

8 A. Yes.

9 Q. 2B and then our answer to 2B in the
10 supplemental.

11 A. Yes.

12 Q. Do you see we actually gave a substantive
13 answer to that interrogatory in our supplemental
14 response, correct?

15 A. Counsel, I wouldn't say that this is --
16 this may be an answer, but it doesn't address the
17 question as to whether or not NERC E-Tags exist for
18 these facilities.

19 Q. I am not sure how that's possible when it
20 says "None of the facilities have NERC E-Tags" in our
21 supplemental response.

22 A. It says "NERC E-Tags associated with each
23 facility constitutes competitively sensitive
24 information."

25 Q. Sorry. You need to look at the

1 supplemental response.

2 A. Oh, I'm sorry.

3 Q. Turn to page 6.

4 A. Sorry.

5 Q. Sorry about that.

6 A. Okay. Yes.

7 Q. So the -- your answer to question 17 is
8 no longer accurate, correct?

9 A. So the first half would still be
10 accurate, the not to my knowledge, and the second
11 half is that I guess you could strike that and say
12 that -- and just reference the supplemental response.
13 I think that's fair, and I am happy to submit a
14 mod -- not a modified but an errata after the hearing
15 closes, if you would like.

16 Q. I think this is sufficient on the record
17 here.

18 A. Thank you, counsel.

19 MS. WHITFIELD: That's all I have for
20 this witness now. Thank you.

21 THE WITNESS: Thank you.

22 EXAMINER HICKS: Thank you.

23 We will go next to if Staff has any
24 cross-examination.

25 MS. BAIR: I have a few questions. Thank

1 you, your Honor.

2 EXAMINER HICKS: Go ahead.

3 - - -

4 CROSS-EXAMINATION

5 By Ms. Bair:

6 Q. Good afternoon, Mr. Stewart. My name is
7 Jodi Bair, and I represent the Staff.

8 A. Good afternoon, counsel.

9 Q. I would like to direct you to question
10 and answer 21 on page 9 and following over to page 10
11 of your direct testimony.

12 A. Yes.

13 Q. And in particular I am looking at lines
14 216 and 217.

15 A. Yes.

16 Q. Okay. Where did you -- I assume this is
17 a quote. Where did this come from?

18 A. This direct quote I pulled from the cover
19 letters of one of the DFAX studies that was attached
20 to Mr. Chiles' testimony.

21 Q. Okay. Could we please pull one of those
22 up right now. It's -- I just pulled up Attachment --
23 Attachment A, Appendix A, and I have copies of it,
24 but you have a bulk of stuff up there.

25 A. Certainly.

1 Q. Or I can give you that cover sheet.

2 EXAMINER HICKS: Can you give me a cover
3 sheet?

4 MS. BAIR: Yeah. I didn't label it, but
5 I checked it, and it is Attachment A, Appendix A.

6 A. To Mr. --

7 Q. Mr. Chiles' Joint Exhibit 1.

8 MS. BAIR: Do you guys want it?

9 MS. WHITFIELD: No.

10 MS. BAIR: Mark?

11 MR. WHITT: I have it. If you have a
12 separate page. Thank you, Jodi.

13 Q. (By Ms. Bair) Have you found that in
14 Mr. Chiles' testimony?

15 A. I haven't found it in Mr. Chiles'
16 testimony.

17 Q. Okay.

18 A. Yes.

19 Q. Okay. And where -- from where -- I am
20 assuming you are on page 1. Is that where your quote
21 came from that you contained in line -- or included
22 in 216 and 217?

23 A. Yes, it is.

24 Q. Okay. And could you please read the
25 sentence in its entirety from which this quote came.

1 A. Yes. "Finally, it was confirmed that
2 there were a number of EHV transmission facilities on
3 it which at least 5 from the energy from these wind
4 facilities would be expected to flow if they were to
5 deliver their energy into PJM."

6 Q. Thank you. And you had some discussion
7 in your testimony and with Ms. Bojko regarding the
8 dispatch within -- dispatch of generation within PJM.

9 A. Yes.

10 Q. And so is it your testimony -- do Ohio's
11 certification of facilities under Ohio's RPS have an
12 impact on PJM's operational dispatch of generation?

13 A. Directly, no. That is not a
14 consideration inside the scale model.

15 MS. BAIR: Thank you. I have nothing
16 more.

17 EXAMINER HICKS: Thank you, Ms. Bair.

18 I will just note Mr. Ryan is not here,
19 but he had indicated he had no cross for the witness.

20 MS. BOJKO: I'm sorry. I didn't hear
21 you.

22 EXAMINER HICKS: Just for the record
23 Mr. Ryan is not here, but he had indicated he had no
24 cross-examination for the witness.

25 Mr. Whitt, do you want -- let's go off

1 the record.

2 (Discussion off the record.)

3 (Thereupon, at 12:44 p.m., a lunch recess
4 was taken.)

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Tuesday Afternoon Session,
December 6, 2022.

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EXAMINER HICKS: Let's go back on the record.

We came back from lunch. I was just speaking with Mr. Whitt off the record. I believe, Mr. Whitt, you indicated you do not have any redirect?

MR. WHITT: That's right, your Honor.

EXAMINER HICKS: Okay. With that, Mr. Stewart, thank you for your testimony.

THE WITNESS: Thank you, your Honor.

EXAMINER HICKS: We can now, if I can get organized here, take up exhibits.

MS. BOJKO: Your Honors, I am only going to move certain exhibits, if that helps.

EXAMINER HICKS: Okay. Let's do -- Mr. Whitt, you may have already moved your testimony but go ahead and do it again.

MR. WHITT: I am not sure if I did yesterday. If I didn't, we would move for the admission of CSG Exhibit 3. Is it 3?

EXAMINER HICKS: Any objections to the admission of CSG Exhibit 3?

1 MS. BOJKO: I'm sorry, your Honor. Is
2 that just the testimony?

3 EXAMINER HICKS: I believe so, yes.

4 MS. BOJKO: I lost my book.

5 MS. WHITFIELD: With respect to the
6 Applicants, while she is looking for her book, we
7 don't have any objection, subject to the correction
8 he made on the stand with respect to question 18.

9 EXAMINER HICKS: Okay. I think -- I
10 think the transcript should adequately address that.

11 MS. WHITFIELD: Yeah, so no objection.

12 EXAMINER HICKS: Hearing none other than
13 that -- that note, CSG Exhibit 3 will be admitted
14 into the record.

15 (EXHIBIT ADMITTED INTO EVIDENCE.)

16 EXAMINER HICKS: And then, Ms. Bojko, if
17 you just want to go through each one you want to
18 admit, we will just do them individually.

19 MS. BOJKO: Yes, your Honor. I'm sorry.
20 My whole notebook has disappeared since I went to
21 lunch. I did not take it to lunch with me.

22 EXAMINER HICKS: That does add a certain
23 wrinkle to the case. Let's go off the record.

24 (Discussion off the record.)

25 EXAMINER HICKS: Let's go back on the

1 record.

2 Ms. Bojko was going to move certain
3 exhibits that she had marked, move for their
4 admission, so if you want to just run down the ones
5 you would like to admit, we can do them one by one.

6 MS. BOJKO: Sure. At this time Blue
7 Delta moves the admission of Blue Delta Exhibit 3,
8 which was the PJM BPM 14A discussed and cited in the
9 witness's testimony.

10 EXAMINER HICKS: Any objection to the
11 admission of Blue Delta Exhibit 3?

12 MR. WHITT: That was -- no objection.

13 EXAMINER HICKS: Okay. Blue Delta
14 Exhibit 3 will be admitted.

15 (EXHIBIT ADMITTED INTO EVIDENCE.)

16 MS. BOJKO: Your Honor, at this time I
17 would like to move for the admission of Blue Delta
18 Exhibit 4, which was the MISO BPM Manual 11.

19 EXAMINER HICKS: Any objection to the
20 admission of Exhibit 4?

21 MR. WHITT: No objection.

22 EXAMINER HICKS: It will be admitted.

23 (EXHIBIT ADMITTED INTO EVIDENCE.)

24 MS. BOJKO: And, your Honor, Blue Delta
25 would like to move the admission of Blue Delta

1 Exhibit 6, which is the PJM flowgate model.

2 EXAMINER HICKS: Dynamic Transfer, is
3 that it?

4 MS. BOJKO: Market-to-market Flowgate
5 Test, yes.

6 EXAMINER HICKS: Objections to the
7 admission of Exhibit 6?

8 MR. WHITT: I'm sorry. No objection.

9 EXAMINER HICKS: Okay. Exhibit 6 is
10 admitted.

11 (EXHIBIT ADMITTED INTO EVIDENCE.)

12 MS. BOJKO: I am not going to move the
13 admission of orders, so the other one, the last one,
14 would be Blue Delta Exhibit 9, which is the Koda
15 Staff Report.

16 EXAMINER HICKS: Any objection to the
17 admission of Exhibit 9?

18 MR. WHITT: No objection.

19 EXAMINER HICKS: Exhibit 9 is admitted
20 into the record.

21 (EXHIBIT ADMITTED INTO EVIDENCE.)

22 MS. BOJKO: That's all, your Honor.

23 EXAMINER HICKS: Thank you.

24 So I believe that takes care of all the
25 pending exhibits. Just to make clear on the record,

1 Mr. Whitt, I believe you had stated you were not
2 intending to call Mr. Gopaul?

3 MR. WHITT: Correct, your Honor.

4 EXAMINER HICKS: Okay. I just bring that
5 up so the motions to strike is essentially irrelevant
6 at this point.

7 MS. BOJKO: Moot, yes.

8 EXAMINER HICKS: So no need for a ruling
9 on that one.

10 MS. BOJKO: Thank you, your Honor.

11 EXAMINER HICKS: Anything further from
12 CSG before we move to Staff?

13 MR. WHITT: No, your Honor.

14 EXAMINER HICKS: Okay. I am going to tag
15 out to my co-AE, and she will take it from here.

16 EXAMINER ST. JOHN: All right. There are
17 two matters that I want to briefly discuss before I
18 turn things over to Staff. First of all, we had
19 noted in an e-mail to all the parties before the
20 hearing commenced that we are generally not inclined
21 to invite friendly cross. In the witness order and
22 cross-examination estimates that we had received via
23 e-mail, we do see that there are about 5 minutes of
24 cross estimated from the Applicants and 5 minutes
25 estimated from 3Degrees for Staff. I did want to

1 just briefly inquire about what that cross would
2 entail.

3 MS. WHITFIELD: Well, it's primarily how
4 Staff received the DFAX studies and confirming like
5 sort of a chain of custody through Staff's e-mails.
6 We are not able to depose Staff. We are not able to
7 subpoena Staff, so e-mails in which Staff appears,
8 and I want to question them on that to establish
9 since they have brought up a chain of custody with
10 respect to these documents.

11 EXAMINER ST. JOHN: Okay. I have no
12 problem with that line of questioning.

13 MS. WHITFIELD: Thank you.

14 EXAMINER ST. JOHN: 3Degrees.

15 MR. MILLER: I think we set a
16 placeholder. We will probably waive.

17 EXAMINER ST. JOHN: You said you will
18 probably waive cross?

19 MR. MILLER: Yes.

20 EXAMINER ST. JOHN: Okay.

21 EXAMINER HICKS: I think Mr. Whitt wanted
22 to say something.

23 MR. WHITT: I think what I heard
24 described was friendly cross to lay a foundation, to
25 help Staff lay a foundation for something. Moreover

1 and more troubling is we will wait to see these
2 e-mails but if there are e-mails that are going to be
3 sought to be introduced that I can tell you that they
4 have not been produced to us in discovery and those
5 e-mails would be responsive to several different
6 discovery requests and I think if the Bench has made
7 anything clear prior to hearing, that parties would
8 not be permitted to introduce evidence at hearing
9 that had not been produced in discovery. So I just
10 want our position on that to be known before we
11 start.

12 EXAMINER ST. JOHN: Okay. We're not
13 quite at that point yet. As to your notes about
14 friendly cross, this issue of who has requested the
15 PJM reports -- excuse me, the PJM DFAX studies, that
16 has become a bigger issue in this case than I think
17 we -- I think most people initially expected walking
18 into this hearing, so I will allow some questions
19 from the Applicant along those lines. It's only
20 expected to be about 5 minutes per witness, so if it
21 starts becoming, you know, a greater breadth than
22 that, taking considerably longer, we can address your
23 concerns at that time.

24 The second issue that I wanted to address
25 is generally timing for today. So it looks like CSG

1 has estimated about 45 minutes per Staff witness. We
2 are already just past 2:00 p.m., and I understand
3 that Mr. Landoni has been reserved as a rebuttal
4 witness. And I also understand based on
5 conversations yesterday that he may have a flight
6 leaving this afternoon or later this evening; is that
7 correct?

8 MS. WHITFIELD: Yes.

9 MR. LANDONI: 5:47.

10 MS. WHITFIELD: Scheduled around
11 6 o'clock.

12 EXAMINER ST. JOHN: So I am not sure at
13 this point yet, but I wanted to make everyone aware
14 of that, and perhaps we can move into Mr. Cross's
15 testimony and see where we are, but it may be
16 necessary to start talking about, you know,
17 potentially moving witnesses around and having
18 Mr. Landoni testify before Ms. Clingan, that's fine
19 with us.

20 MR. WHITT: If I may, your Honor, what
21 would -- what -- who would be rebutting whom? I get
22 rebuttal. For what purpose? The Applicants have the
23 burden of proof. They filed testimony. We filed
24 testimony. Supplemental testimony was authorized for
25 a different purpose, really to address any

1 outstanding discovery issues but that effectively was
2 used by the other side as rebuttal testimony. It
3 directly responds to CSG's testimony. So I'm not
4 sure what there would be to rebut. We haven't used
5 any new evidence. We've prefiled our testimony. We
6 presented our witness. It just seems improper.

7 EXAMINER ST. JOHN: All right. Noted.

8 MS. WHITFIELD: Can I be heard on that?

9 EXAMINER ST. JOHN: Yes.

10 MS. WHITFIELD: So as your Honor, first
11 of all, just acknowledged, this issue of chain of
12 custody has become a much bigger issue in
13 cross-examination of Mr. Landoni. We believed that
14 we had established the foundation of his knowledge of
15 how Avangrid requested -- received the requests from
16 Staff for the DFAX studies, then sent a request to
17 PJM to run the DFAX studies, and then once the
18 Company received the DFAX studies, they then
19 transferred them to Staff.

20 Hearing your Honors yesterday in response
21 to Mr. Whitt's objection that we did not lay the
22 foundation because Mr. Landoni couldn't remember some
23 names of the people that worked for his company who
24 were involved in this, we are preparing rebuttal
25 testimony from Mr. Landoni to address those issues

1 that were raised that we thought were handled
2 appropriately in our direct examination; but because
3 the chain of custody has become such an issue in this
4 case, even though it has nothing to do whatsoever
5 with the authentication of the documents, we are
6 addressing that on rebuttal.

7 MR. WHITT: Well, if I may.

8 EXAMINER ST. JOHN: Mr. Whitt, I don't
9 want to interrupt. Would you mind turning your
10 microphone on or speaking into your microphone a bit
11 more?

12 MR. WHITT: Sure. Thank you, your Honor.
13 We would anticipate any foundational issues are
14 likely -- very likely to be cleared up in the
15 cross-examination of Staff, presumably can say that,
16 you know, these are the reports and here is how we
17 got them and that would resolve those issues.

18 In fact, I think the other side has
19 indicated that's exactly what they want to use their
20 cross for is to ask those questions. So to the
21 extent we can have the questions over, you know,
22 chain of custody, authentication gets resolved with
23 Staff, there would be no need to call back
24 Mr. Landoni.

25 EXAMINER ST. JOHN: So would you be

1 willing to withdraw your objections to the admission
 2 of those exhibits after Staff's witnesses testify?

3 MR. WHITT: We -- I expect to be able to.

4 EXAMINER ST. JOHN: Okay.

5 EXAMINER HICKS: If that's the case, then
 6 this whole issue is going to resolve itself.

7 MR. WHITT: Yes. That would be our
 8 expectation.

9 EXAMINER HICKS: That would be lovely.

10 MS. WHITFIELD: Yes. That would be
 11 great. Perhaps we address this after my cross of the
 12 witness.

13 EXAMINER HICKS: We have all geared up
 14 for nothing.

15 EXAMINER ST. JOHN: Yeah. Thank you all.

16 All right. With that I will go ahead and
 17 turn it over to Staff.

18 MR. LINDGREN: Thank you, your Honor.

19 The Staff calls Kristin Clingan to the stand.

20 (Witness sworn.)

21 EXAMINER ST. JOHN: Thank you. Please
 22 proceed.

23 MR. WHITT: Good afternoon, Ms. Clingan.

24 MS. BAIR: Wait a minute.

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KRISTIN CLINGAN

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

DIRECT EXAMINATION

By Mr. Lindgren:

Q. Good afternoon, Ms. Clingan. Could you please state your name and business address for the record.

A. Kristin Clingan, 180 East Broad Street, Columbus Ohio 43215.

Q. Thank you. And where are you employed?

A. The Public Utilities Commission of Ohio.

Q. Thank you. Did you prefile testimony in this proceeding?

A. I did.

Q. Thank you.

MR. LINDGREN: Your Honor, may I approach the witness?

EXAMINER ST. JOHN: You may.

MR. LINDGREN: Let the record reflect I am handing the witness what has been marked as Staff Exhibit 2.

(EXHIBIT MARKED FOR IDENTIFICATION.)

Q. (By Mr. Lindgren) Ms. Clingan, is this your prefiled testimony?

1 A. Yes.

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

4 A. Yes.

5 Q. Thank you. And do you have any changes
6 you would like to make to this testimony?

7 A. Yes.

8 Q. Could you explain what those are.

9 A. I would like to add the three PJM DFAX
10 studies relied upon by Staff in the review of these
11 applications to my prefiled testimony at this time.

12 Q. Thank you. And could you explain why you
13 had not included those studies previously?

14 A. I did not include them initially because
15 they were already filed as part of the Applicants'
16 testimony, but they are referenced in my testimony
17 and relied upon for the Staff Reports that I am
18 sponsoring today.

19 Q. Thank you. Do you have on the stand
20 there the testimony of John Chiles?

21 A. Probably.

22 Q. Joint Exhibit 1.

23 EXAMINER HICKS: Probably the biggest one
24 up there.

25 A. Yes, sir.

1 Q. Thank you. Could you turn to Joint
2 Exhibit 1, Attachment A.

3 MS. BOJKO: Your Honor, can we go off the
4 record for a second?

5 EXAMINER ST. JOHN: Yes. Let's go off
6 the record.

7 (Recess taken.)

8 EXAMINER ST. JOHN: Let's go back on the
9 record.

10 We've been off the record for quite some
11 time. An issue arose while Ms. Clingan was on the
12 stand. It involved reference to a previously marked
13 and moved exhibit that DFAX studies have been
14 attached to, and it became -- it was revealed there
15 was an error in the attachment to that exhibit due to
16 a copying error and not all of the Excel
17 spreadsheets' detailed information for each of the
18 three DFAX reports had been included in the exhibit.
19 Instead, one of the Excel spreadsheet documents had
20 been duplicated.

21 There have been numerous discussions
22 about how to resolve the issue and how to proceed
23 moving forward. Also in the interim Staff printed
24 off copies of the DFAX reports that it had received
25 and relied upon in its analysis of the cases.

1 At this point in time I think it's
2 important to note that our priority here today is to
3 create a full record. There were additional
4 discussions off the record about how to rectify the
5 pending issue with three pending exhibits that have
6 been marked and moved that include incorrect DFAX
7 information.

8 Carbon Solutions had proposed their
9 preference of how to resolve the issue, and
10 Applicants and Blue Delta had proposed their proposal
11 of how to resolve the issue.

12 At this point in time this is how we
13 would like to move forward with that particular
14 issue, it is up to the Applicants and Blue Delta
15 whether or not they would like to recall their
16 witnesses to bring them back up to the stand to
17 resolve the exhibit issues or any other -- strike
18 that, or any specific issues regarding the DFAX
19 reports.

20 My understanding is that the Applicants
21 and Blue Delta had issued a proposal to remove the
22 Excel spreadsheet document that had been duplicated
23 from the exhibits that have been marked and moved but
24 not yet admitted. The Applicants and Blue Delta may
25 proceed in that way if they would like to, or as I

1 previously mentioned, they have -- they will have the
2 opportunity to recall those witnesses to include the
3 correct data, if they would like.

4 Carbon Solutions had noted that if the
5 correct data would be added to the exhibits, Carbon
6 Solutions' preference would be for the data that had
7 already been submitted that was duplicated and, thus,
8 incorrect, or at least incomplete, would stay a part
9 of the record.

10 Our ruling is that if the witnesses are
11 recalled and the correct information is presented and
12 moved to be admitted, that the existing Excel
13 spreadsheet documents will be made a part of the
14 record as well so that Carbon Solutions may refer to
15 the documents as they were initially marked and moved
16 as well as the corrected information.

17 A second issue was also presented while
18 we talked off the record involving e-mails that were
19 received by Staff and I believe included the DFAX
20 studies.

21 While Judge Hicks and I were out of the
22 hearing room and we were on break, my question at
23 this time is have the parties resolved that pending
24 dispute about the e-mails? And when I say the
25 pending dispute, I don't mean the dispute regarding

1 whether the e-mails should have been produced in
2 discovery. What I am asking is how to handle the
3 e-mails here in this hearing room today.

4 MS. WHITFIELD: Your Honor, I -- I think
5 you were in the room, but I did give them to
6 Mr. Whitt so he and his colleague could review them,
7 and I haven't heard anything further from that.

8 MR. WHITT: That's correct. We have the
9 e-mails and appear to be the DFAX attachments. We
10 will be reviewing those tonight.

11 EXAMINER ST. JOHN: Okay. I appreciate
12 that. Thank you.

13 At this point in time it's 4:51 p.m., and
14 I don't see us getting through any additional
15 witnesses this evening which means that we will be
16 needing to move on to an additional hearing day.
17 Initially Judge Hicks and myself had reserved all
18 week for this hearing, but while we were off the
19 record, one or two parties had mentioned that
20 tomorrow would be an inconvenient time to resume the
21 hearing.

22 So with that being said, I would like to
23 go off the record briefly and discuss with the
24 parties when would be a convenient time for all to
25 resume the hearing.

1 So with that, let's go off the record
2 briefly.

3 (Discussion off the record.)

4 EXAMINER HICKS: Let's go back on the
5 record. We just went off the record briefly to
6 discuss timing on when we could reconvene the
7 hearing. I think as Attorney Examiner St. John
8 mentioned, there were some timing issues for folks
9 tomorrow. I believe we reached a consensus that we
10 will reconvene on Thursday morning, which would be
11 December 8, at 10:00 a.m. and proceed from there.

12 And with that, we are off the record.

13 (Thereupon, at 5:02 p.m., the hearing was
14 adjourned.)

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CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on Tuesday, December 6, 2022, and carefully compared with my original stenographic notes.

Karen Sue Gibson, Registered
Merit Reporter.

(KSG-7382)

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This foregoing document was electronically filed with the Public Utilities Commission of Ohio Docketing Information System on 12/20/2022 11:54:11 AM

in

Case No(s). 21-0516-EL-REN, 21-0517-EL-REN, 21-0531-EL-REN, 21-0532-EL-REN, 21-0544-EL-REN, 22-0380-EL-REN

Summary: Transcript Volume 2 December 6th 2022 In the Matter of the Application of Moraine Wind, LLC, for Certification as an Eligible Ohio Renewable Energy Source Generating Facility. In the Matter of the Application of Rugby Wind, LLC, for Certification as an Eligible Ohio Renewable Energy Resource Generating Facility. In the Matter of the Application of Elm Creek II for Certification as an Eligible Ohio Renewable Energy Resource Generating Facility. In the Matter of the Application of Buffalo Ridge II for Certification as an Eligible Ohio Renewable Energy Resource Generation Facility. In the Matter of the Application of Barton Windpower 1 for Certification as an Eligible Ohio Renewable Energy Resource Generation Facility. In the Matter of the Application of Barton Windpower, LLC, for Certification as an Eligible Ohio Renewable Energy Resource Generation Facility. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.