

Public Utilities Commission of Ohio

Case No. 22-248-EL-BTX

Moderated by Jesse Davis

Wednesday, December 6, 2023

6:16 p.m.

Delta American Legion Post A.E.E.E.W. Number 373

5939 ST 109

Delta, OH 43515

Reported by: Michael Rennillo

JOB NO.: 6140167

A P P E A R A N C E S

List of Attendees:

Honorable Jesse Davis, Administrative Law Judge,

Public Utilities Commission of Ohio

L. Bradfield Hughes, Esquire, Porter Wright Morris &

Arthur, LLP, representing American Transmission

Systems, Incorporated

Robert Trowbridge, Delta, Ohio

Wayne Mistiatis, Swanton, Ohio

Rod Kuntz, Delta, Ohio

1 P R O C E E D I N G S

2 THE COURT: Thanks everyone. Sorry for
3 the delay. Let's go ahead and go on the record.

4 THE REPORTER: Please stand by one
5 moment. My software is freezing. I apologize.

6 THE COURT: That's all right.

7 THE REPORTER: Please go ahead. I
8 apologize.

9 THE COURT: Good to go?

10 THE REPORTER: Yeah.

11 THE COURT: Thank you very much.

12 Good evening, everyone. It's about
13 6:16 p.m. I apologize for the slight delayed start.
14 I just wanted to make sure that everybody who needed
15 to be here was here and allow for any stragglers in
16 terms of folks who want to sign to testify.

17 The Ohio Power Siting Board has
18 scheduled for public hearing at this time and place
19 Case Number 22-248-EL-BTX, which is captioned In the
20 Matter of the Application of American Transmission
21 Systems, Incorporated -- or ATSI -- for a Certificate
22 of Environmental Compatibility and Public Need to
23 Construct the Dowling-Fulton 345 kV Transmission Line
24 Tap to Melbourne Station.

25 My name is Jesse Davis. I am the

1 administrative law judge assigned to this case by the
2 Power Siting Board to hear testimony this evening.
3 Members of the board staff are present. They are over
4 in this right corner of the room near the door.

5 And if you have questions about the
6 board's process or the staff report which was filed in
7 the docket in this case, feel free to stop by their
8 table after the hearing and ask them any questions you
9 might have on those topics or about something like
10 submitting written commentary to the board's website,
11 if you'd like to do that, and you will be testifying
12 later on tonight.

13 At this time, I want to take
14 appearances. And I'll just note for the record that
15 no party has thus far moved to intervene in the case,
16 so we'll just take an appearance for the company.

17 So appearing on behalf of ATSI?

18 MR. HUGHES: Brad Hughes on behalf of
19 American Transmission Systems, Incorporated.

20 THE COURT: Thank you.

21 So the subject of this evening's
22 hearing is an application filed by ATSI on March 7th
23 of 2023. In the application, the ATSI seeks approval
24 to construct a new 345-kilovolt four-breaker ring bus
25 station on a nine-acre site to be called the Melbourne

1 station, and a new 345-kilovolt transmission line
2 extending approximately 9 miles from ATSI existing
3 Dowling-Fulton transmission line in Fulton County,
4 Ohio.

5 Additionally, as part of this project,
6 ATSI seeks approval to construct two approximately
7 half-mile-long 345-kilovolt transmission line -- tie
8 lines to connect the existing customer-owned Sydney
9 substation to the proposed Melbourne substation.

10 According to the application, the
11 project will mitigate a violation of PJM
12 Interconnection's and FirstEnergy's planning criteria,
13 which is a loss of load greater than 300 megawatts, by
14 adding redundancy through a second 345-kilovolt source
15 via the proposed Melbourne station to the existing
16 North Star BlueScope Steel's Sydney substation.
17 Further, the project will enable ATSI to meet
18 projected service loads needs, as well as provide
19 operational flexibility to customers.

20 Board staff filed its report of
21 investigation on November 21, 2023. This report is a
22 recommendation of the board staff and does not
23 necessarily the board's final determination in this
24 matter.

25 The purpose of this evening's public

1 hearing is to receive testimony regarding the
2 application from persons in the local community who
3 are affected by the proposed project. Tonight's
4 hearing will not be a question-and-answer session, but
5 rather an opportunity for you to tell the board what
6 you think about the proposed project. Tonight's
7 public hearing is on one aspect of this process.

8 An evidentiary hearing is scheduled to
9 commence on January 9, 2024, at the board's offices in
10 Columbus. The purpose of the evidentiary hearing is
11 to allow the parties and board staff to provide
12 testimony and other evidence into the record regarding
13 the proposed project.

14 Tonight's hearing is being recorded by
15 a court reporter who is over here to my right. So if
16 you do plan to testify, I just please ask that you
17 speak loudly and clearly in his direction so that he
18 can accurately reflect your comments on the record.
19 Also, if you have prepared a written statement and
20 you'd like to submit, it would be helpful if you could
21 provide a copy to the court reporter or to me for
22 reference to ensure that our transcript is accurate,
23 recognizing that only your testimony will be offered as
24 far as the transcript.

25 After I finish my introduction, I'm

1 going to begin inviting individuals who are on the
2 sign-in sheet to speak about the proposed project.
3 Each person who signed up to testify will be permitted
4 to speak once about the proposed project.

5 Before that person or any person
6 present their testimony, I'll just ask that you take
7 an oath or affirmation that what you're about to say
8 is the truth, and I'll have a few preliminary
9 questions for the record, including someone's name and
10 address and if they work or reside within the
11 project's area.

12 Counsel for ATSI and myself will also
13 be permitted to ask questions about the statement
14 provided in the group test -- or spoken testimony.
15 I'll ask -- and if there is any sense of whether there
16 is any examination for a witness, if you have
17 questions, just let me know. Just wave me down about
18 that.

19 Any testimony provided tonight will be
20 considered part of the official record of this case,
21 and it will be considered by the board when they make
22 their decision on the application.

23 A few other just kind of quick notes.
24 If someone signed up and you decide you'd rather not
25 for any reason, you can certainly pass to the next

1 witness. If you'd like to do that, that's fine. Just
2 let me know. And if you just decide ultimately that
3 you signed up but you'd rather just write something
4 and submit it, that's fine. You can let me know that,
5 and then the gentleman over there by the table can
6 provide you with a sheet that tells you how to give
7 the board your written testimony if you'd like to do
8 something like that.

9 For efficiency's sake, I'd just ask
10 that anyone speaking, try to limit it to five minutes,
11 if possible, but I know if you have something to say,
12 just say it. That's fine. But it's kind of a
13 guidepost.

14 And then if you decide that you have
15 additional comments on top of what you said after
16 you've said it, you can certainly file those as
17 written comments. And again, the folks over there
18 will tell you how to do that.

19 With all that said, I think we're good
20 to go. So we can start with the first person who
21 signed up. And I apologize sincerely if I butcher
22 your last name, but it looks like Robert Trowbridge.

23 How bad did I do?

24 MR. TROWBRIDGE: No, that's good.

25 THE COURT: Okay. If you could come on

1 up a little bit, if you wouldn't mind. I want you a
2 little closer to the reporter. Thank you.

3 MR. TROWBRIDGE: First of all, I'm not
4 against the project at all. I know it --

5 THE COURT: Okay. First I --

6 MR. TROWBRIDGE: -- needs to be done
7 and everything.

8 THE COURT: Sorry. I just need to
9 swear you in.

10 MR. TROWBRIDGE: Oh.

11 THE COURT: So I'd ask you to raise
12 your right hand.

13 Do you swear or affirm what you're
14 about to tell is the truth?

15 MR. TROWBRIDGE: Yes, sir.

16 THE COURT: Thank you.

17 And could you please state and spell
18 your name for the record?

19 MR. TROWBRIDGE: Robert Trowbridge,
20 R-O-B-E-R-T T-R-O-W-B-R-I-D-G-E.

21 THE COURT: And do you live or work
22 within the project area?

23 MR. TROWBRIDGE: I own farm ground, and
24 it will be affected by the project.

25 THE COURT: Okay. Thank you. Please

1 go ahead.

2 MR. TROWBRIDGE: Like I said, I'm not
3 against the project. I understand it needs to be done
4 and everything.

5 I guess my problem is with the
6 alternate route, if that would be selected. I don't
7 understand why they can't just stay right along the
8 railroad track. They have easement for that, instead
9 of going part way and then down through all this farm
10 ground and then back to the railroad, which they're
11 going to be back to anyway. So I guess I'm against
12 the alternate route.

13 THE COURT: Thank you very much.

14 MR. TROWBRIDGE: Thank you.

15 THE COURT: Do you have any questions,
16 Counsel?

17 MR. HUGHES: No, thank you.

18 THE COURT: Thank you, sir, very much
19 for your testimony.

20 Next on the list, I have a person.
21 Again, I apologize if I'm going to butcher your last
22 name. Your first name is Wayne, your last name looks
23 like Mist --

24 MR. MISTIATIS: Mistiatis.

25 THE COURT: How do you pronounce it?

1 MR. MISTIATIS: Mistiatis.

2 THE COURT: Mistiatis? Thank you. I'm
3 sorry.

4 I'll just have you do the same thing,
5 please. If you can come over to this kind of general
6 area?

7 THE REPORTER: Can you spell your last
8 name for me, sir?

9 MR. MISTIATIS: M-I-S-T-I-A-T-I-S.

10 THE REPORTER: Thank you.

11 THE COURT: Raise your right hand.

12 Do you swear or affirm what you are
13 about to tell is the truth?

14 MR. MISTIATIS: Yes.

15 THE COURT: Thank you very much.

16 Please state and spell your name for
17 the record.

18 MR. MISTIATIS: Wayne Mistiatis,
19 W-A-Y-N-E M-I-S-T-I-A-T-I-S.

20 THE COURT: Thank you.

21 And do you live or work with the
22 project area?

23 MR. MISTIATIS: Yes.

24 THE COURT: Would you please give your
25 address for the record?

1 MR. MISTIATIS: 3141 County Road H,
2 Swanton, Ohio.

3 THE COURT: Thank you very much.
4 Please proceed.

5 MR. MISTIATIS: You know, I know we're
6 all here for the same reason. If it's up to me, I
7 don't want -- I want the one that goes along the toll
8 road. It affects less people. You know, in my eyes,
9 you know, because if I went looking for a house by a
10 power line, I would walk away from the house. It may
11 diminish the price of the house, but you lose a lot of
12 people.

13 You know, everyone thinks -- and also,
14 my house, everybody is the same way about their house.
15 If it's a nice yard, they don't want to look out and
16 see a transmission line. You know, they want a
17 nice-looking place, you know. You know, you have
18 ladies that have weddings in their yards. You're
19 taking pictures, you don't want to see a background of
20 a transmission line or anything like that.

21 And so, the alternate route does affect
22 a lot of us people, you know. I think even the
23 alternate route -- and I know it's also a money thing.
24 There might even be a way that they could please some
25 of the people on the alternate route if they lifted it

1 around and not going through Delta, but went around,
2 and they might pass that one. But they'd probably
3 stay in their, you know, farm buildings and stuff.
4 Most of the farmers actually doesn't mind, because I
5 think they get paid. I'm not sure if they get paid
6 for the line being there or not.

7 But, you know, for those who are
8 residential, that's a whole different thing. It
9 affects a lot more people.

10 So I guess I'm for not being an
11 alternate route. And if everybody spoke for the
12 not-alternate route issue, there would be some
13 changes, you know. We just need good people to speak
14 up.

15 That's it. Thank you very much.

16 MR. HUGHES: My only question is I
17 missed your address. Would you mind repeating your
18 address?

19 MR. MISTIATIS: 3141 County Road H.

20 MR. HUGHES: County Road H.

21 MR. MISTIATIS: You know, you've
22 already got a train track right there, actually right
23 next to the property. When they built that spur
24 through Swanton, not only do you have the railroad --
25 not even a vote for me, but it just passed. No one

1 wanted that to go that I know.

2 MR. HUGHES: Thank you, sir.

3 THE COURT: Thank you very much for
4 your testimony.

5 Next, we have Mr. Rod Kuntz. Come on
6 up. Thank you very much.

7 I'd just ask you to raise your right
8 hand.

9 Do you swear or affirm what you're
10 about to tell is the truth?

11 MR. KUNTZ: Yes.

12 THE COURT: Thank you very much.

13 Can you please state and spell your
14 name for the record?

15 MR. KUNTZ: Rod, R-O-D, Kuntz,
16 K-U-N-T-Z.

17 THE COURT: And do you live or work
18 within the project area?

19 MR. KUNTZ: I work in the area.

20 THE COURT: Can you please give the
21 business address?

22 MR. KUNTZ: It's a farm.

23 THE COURT: Okay. Go ahead.

24 MR. KUNTZ: It's a farm.

25 THE COURT: Please give me the address.

1 MR. KUNTZ: Well, there's probably four
2 fields --

3 THE COURT: Oh, okay.

4 MR. KUNTZ: -- on the ground.

5 THE COURT: That's all right.

6 MR. KUNTZ: There is no address.

7 THE REPORTER: Sir, with this fan
8 going, you're going to have to speak up. And I do
9 apologize.

10 MR. KUNTZ: There's no work address.
11 It's farm ground.

12 THE REPORTER: Thank you.

13 THE COURT: Thank you. Please proceed.

14 MR. KUNTZ: Okay. Well, I agree with
15 Mr. Trowbridge. It's probably got to go through, but
16 I've got at least four fields that it's going to go
17 through. And no one has contacted us with any kind of
18 particulars as to whether it's going to start at the
19 property line and come out or if there's going to be a
20 narrow piece of property that they own on the easement
21 and then the rest of the property.

22 So I think we need clarifying
23 considerably on what and where it is actually going.

24 I've never been contacted by anyone
25 yet, so it seems like it's time so we hear what's

1 really going to happen. So that's it.

2 THE COURT: Thank you very much.

3 Questions from counsel?

4 MR. HUGHES: No, thank you.

5 THE COURT: Thank you very much.

6 Mr. Hughes, that is everyone who signed
7 up to testify.

8 Is there anyone else who has decided
9 that they are now inspired to speak? We certainly
10 have time, and you're certainly welcome if anyone
11 would like to.

12 Hearing none, the board extends
13 gratitude to all of you for attending and for those of
14 you who testified, and certainly to American
15 Legion -- Delta American Legion Post 373 for its use
16 of its facilities this evening, for hosting us.

17 The hearing is now concluded. A
18 transcript will be submitted to the case record, which
19 will be on the board's website, which is called the
20 Docketing Information System, and that will be usually
21 in a few weeks. And you can see it on there. You can
22 read the transcript and everyone who testified.

23 Thank you all very much. We are
24 adjourned.

25 THE REPORTER: Going off the record at

1 6:29 p.m.

2 (Whereupon, the meeting concluded at
3 6:29 p.m.)
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CERTIFICATE OF DEPOSITION OFFICER

I, MICHAEL RENNILLO, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

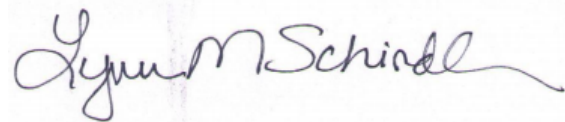


MICHAEL RENNILLO

Notary Public in and for the
State of Ohio

CERTIFICATE OF TRANSCRIBER

I, LYNN M. SCHINDLER, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



LYNN M. SCHINDLER

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in

Case No(s). 22-0248-EL-BTX

Summary: Transcript of local public hearing held on December 6, 2023 at 6:16 pm, before Attorney Examiner Isabel Marcelletti, at the Delta American Legion Post A.E.E.E.W. #73, 5939 ST 109, Delta, OH 43515 electronically filed by Debbie S. Ryan on behalf of Michael Rennillo, Court Reporter.