PUBLIC SERVICE COMMISSION

OF WEST VIRGINIA

CHARLESTON

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IN RE: NEXTERA ENERGY TRANSMISSION*

MIDATLANTIC, INC. * 26-0075-E-CN

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HEARING TRANSCRIPT

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BEFORE: CHARLOTTE LANE, Chairman

RENEE LARRICK, Commissioner

WILLIAM RANEY, Commissioner

HEARING: Wednesday, October 28, 2026

9:31 a.m.

LOCATION: PSC Howard M. Cunningham Hearing Room

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Charleston WV

Reporter: Emily Stewart

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P R O C E E D I N G S

CHAIR:

You all may sit down and please close the doors. Good morning. We are on day three of this hearing. Thank you all for coming and staying awake during all of the proceedings. And with that, Mr. Callas, you can call your next witness.

ATTORNEY CALLAS:

Yes, thank you. Madam Chair, I'd like to go over just kind of the witness layout for today and give you one thing that we're thinking about. Our first witness is Mr. Boykin, who we'll call in a moment. I don't think Mr. Boykin will take all that long. Ms. Powers could. And then we have five witnesses after that. One of those is Mr. Deskins, who we now have slated to be the last of our witnesses. I understand Dr. Deskins has --- you know, can only be here today. Depending on how long the first two witnesses go, we would like to sort of at least the possibility that we can move Dr. Deskins up to before the EMF witnesses who don't have a similar constraint. So I'd like to check back with you after the first witnesses are done.

CHAIR:

No, we can do that.

ATTORNEY CALLAS:

Okay.

CHAIR:

We can take him now if you'd like.

ATTORNEY CALLAS:

Well, I don't want to --- I don't want to surprise everybody with doing them right now, but we'll --- me included. But we --- we can call Mr. Boykin to the stand now to get started.

COURT REPORTER:

Can you please raise your right hand?

MATTHEW BOYKIN, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY ATTORNEY CALLAS:

Q. Good morning, Mr. Boykin.

A. Good morning.

Q. Could you pull that microphone --- well, first of all, turn the microphone on. There you go.

A. Okay.

Q. Pull it up pretty close to your --- where your mouth is, so that we're going to hear you well. Thank you.

A. Got it.

Q. Could you give your name and business address?
A. Matthew Boykin, 700 Universe Boulevard, Juno Beach, Florida, 33408.
Q. Mr. Boykin, how are you employed?
A. I'm employed by NextEra Energy Transmission.
Q. And in that capacity have you been involved aspects of this project that relate roughly to financing?
A. Yes.
Q. In that capacity, did you cause to be prepared Direct Testimony?
A. I did.
Q. Do you have a copy of that in front of you?
A. I do.
Q. Are there any changes or corrections you believe need to be made to that testimony today?
Q. There are not.
Q. Okay. If I ask you all the same questions, would your answers be the same?
A. They would.
Q. Do you ask the Commission to accept this testimony as your sworn testimony in this case?
A. I do.

ATTORNEY CALLAS:

Madam Chairman. The testimony having been admitted --- admitted, I offer Mr. Boykin for Cross.

CHAIR:

Okay, thank you. Mr. Hanna.

ATTORNEY HANNA:

Thank you, Chairman.

CROSS EXAMINATION

BY ATTORNEY HANNA:

Q. Hello, Mr. Boykin.

A. Good morning.

Q. David Hanna with counsel for WATI. I wanted to ask you about property taxes. There was some testimony and I think --- I think maybe you were --- you were named as someone, Ms. McCormick, potentially, that could maybe answer a question about property taxes. And I think I heard some, maybe some things I thought were maybe misunderstood or maybe need clarified regarding property taxes. So I'll --- I'll give it a shot and answer if you --- if you can.

A. Okay.

Q. In Ms. McCormick's testimony, she testified that there would be $133,000,000 in property taxes that would be paid to the State of West Virginia over the life of the project. Are you familiar with that number?

A. Sorry. I'm not familiar with the quantum or the size of the amount of benefits related to property taxes. I can speak on maybe potentially some of the mechanics.

Q. Okay. And that --- that --- that may answer some questions. So --- so you understand how the property taxes would be paid to the individual states?
A. At least in West Virginia.
Q. Okay. Can you explain to me how, if this --- if this is built, how property taxes are assessed --- would be assessed to NextEra and paid to the State of West Virginia?
A. Sure. So the amount of money that we invest in the property, so that would be the amount of money we pay the homeowner of the easement, as well as the amount of money paid for the tangible property, the poles and the wire, are accumulated into the tax basis for the utility, which is then assessed by the tax --- taxing authority.
Q. Would that be the Board of Public Works in West Virginia?
A. Apologies. I don't know the name of the taxing authority. So whatever relevant taxing authorities that would assess the property taxes would receive the payment based upon the accumulated investment that NextEra Energy Transmission MidAtlantic makes.
Q. And are you aware --- I mentioned the Board of Public Works and I think you didn't know the specific name of whatever entity, but do you understand that that would be assessed and paid to the state directly and not

directly by NextEra to the Counties?
A. I don't know how that works exactly. After --- all I know is it's accumulated on the tax basis of the utility and that we make the payment. I don't know to who receives the payment and then how ultimately it is distributed across the state.
Q. And I think as you said, as you testified, that those --- the tax basis is basically the plant value of --- of the lines, everything that's installed.
A. Yeah.
Q. That is separate and apart from real estate taxes under the underlying land property that those facilities are located; is that correct?
A. That's correct.
Q. And the real estate taxes of the landowner, whoever the land --- the impacted landowners would be that have been identified for this project, they would continue to pay their real estate taxes as assessed by the county in which they live in normally, just as they've always done?
A. That's my understanding.
Q. And that the --- the assessed value of their property would not change unless that is ---- changes at the county level by the County Assessor's Office; is that correct?
A. Yes, but I believe there can be a conversation

between the homeowner and the Assessor's Office.
Q. And that's not something that NextEra would be involved in; is that correct?
A. Not typically, no.
Q. Now, are you aware of NextEra ever offering to pay real estate taxes on behalf of an impacted landowner?
A. I am not.

ATTORNEY HANNA:

Thank you, Mr. Boykin. I have no further questions.

CHAIR:

Mr. Harkins.

ATTORNEY HARKINS:

Thank you. I have no questions for this witness.

CHAIR:

Ms. Grundmann?

ATTORNEY GRUNDMANN:

Yes, Your Honor.

CROSS EXAMINATION

BY ATTORNEY GRUNDMANN:

Q. Good morning, Mr. Boykin. Carrie Grundmann on behalf of WVEUG. How are you this morning?
A. Great, thank you. Good morning.
Q. I would ask for your cooperation with me. I did

make a commitment of no more than ten minutes to the Commission last night. And so I'm attempting very --- like, as close as I can to stick with that promise.

A. Speak fast.

Q. Can do that. Can you turn to page seven of your Direct Testimony? I'm looking at the Q and A beginning on line 14. I just want to make sure that I understand the structure.

A. Okay.

Q. So at line 17, you discuss that NEET MA is a subsidiary of NEET and NEECH. Do you see that? So is it NEET at the top, directly underneath it NEECH, then directly under that, NEET MA?

A. It's reversed. So Next Energy Capital Holdings, and then indirectly Next Energy Transmission, and then indirectly, Next Energy Transmission MidAtlantic.

Q. Okay, thank you. So then can you turn to page eight?

A. Yep.

Q. And through there, you discuss sort of the assets and available liquidity of NEECH in the Q and A there, including how NEECH has about $11,000,000,000 in available liquidity. You see that discussion?

A. I do.

Q. And then you go through and you identify the various

categories comprising that liquidity.
A. Uh-huh.
Q. And would you agree with me that as we look at that from line seven to ten, that a great majority of those are debt based instruments?
A. I don't know that I can specifically line item, which is in which category. I do believe some of this information is available publicly through our NextEra Energy investor website.
Q. Okay. Well, then let's just go through them. On line seven to eight, you say line of credit facilities, a line of credit is debt; correct?
A. Correct.
Q. Then you have letter of credit. That's essentially debt?
A. Correct.
Q. Cash and cash equivalents is not debt.
A. Correct.
Q. And then you say less letters of credit issued under the credit facilities and commercial paper outstanding. So of those, am I correct that the letter of credit facilities, the revolving line of credit and the letter of credit facilities are debt instruments?
A. I agree.
Q. And so there's three essential categories there?

A. That's my understanding. But, again, the subdivision of the net liquidity of Next Energy Capital Holdings is publicly available.
Q. Okay. And so then if you look over onto page nine, you indicate under the subheadings, subpart three, the financing of the MARL project.
A. Okay.
Q. You state there that you intend to finance the project with a combination of obviously debt and equity. And then you state the equity will be provided by NEECH and the debt will be provided by NEET MA and its existing debt facility. You see that?
A. I do.
Q. So just out of curiosity, is NEECH likely to be providing its equity via leveraging its debt that we discussed on page seven?
A. Not usually in this case. It has enough, generally enough available cash flow to fund the equity commitments for the transmission projects.
Q. But you don't know, as we sit here today, how they intend to finance that?
A. Not at this moment, no.
Q. And did you have any involvement in negotiating the DEA agreement with PJM?
A. I did not.

Q. And are you familiar that there --- that the --- that the company's position in this case is that there is an apparent difference of structure of debt and equity and return on equity that is available to the Company depending on whether the project is under construction or in service and used and useful?
A. Yes.
Q. And so am I correct to understand that during the period of construction, the Company will be financing this project with 60 percent equity and 40 percent debt?
A. That's my understanding.
Q. And that you propose to earn a return of 10.77 percent, which is your current FERC approved return?
A. Yes. It will use NEET MidAtlantic's existing FERC approved rate during construction.
Q. And so that would change to the extent you had any updates to your FERC approved rate for NEET MA, that would also update throughout the project?
A. Through construction on it, yes.
Q. Correct. And then once the project's in construction, you earn somewhere in a band between 7.5 and up to the cap of 9.8 percent?
A. That is what is outlined in the DEA, I believe at a 45 percent.
Q. But you agree with me that --- that the ROE can be -

-- it's within that 7.5 to 9.8 percent band?
A. It can be, but I --- yes, that's right.
Q. Can it exceed the 9.8 percent?
A. It cannot.
Q. Okay. And so what cost does the Company intend to recover during construction?
A. So NEET MidAtlantic was approved for the incentive at FERC. So, it is allowed to recover its, basically its financing costs during construction. So that would be the --- the net equity cost, gross, before taxes.
Q. Are you recovering any of the hard costs of the project?
A. No.
Q. During construction, will you be essentially floating a return on the hard costs that would then be recovered once it's in service?
A. I'm not sure I understand the term floating.
Q. Will you be sort of accruing on your books the costs associated with construction.
A. The ---
Q. Like ---.
A. --- materials and --- sorry. There is no APC on this project.
Q. Okay.
A. So all financing costs under the equipment incentive

are recovered concurrently when they are accrued. So they don't technically accrue or compound throughout the life of the construction.

Q. Okay. So then when you seek to recover, subject to the 45 percent equity, 55 percent debt once the project is in service, that will be the total actual incurred cost for constructing the project, less financing costs?

A. Yes. So only hard costs of materials and labor.

Q. Will there have been anything that increase those hard costs beyond the actual dollars spent?

A. Not to my knowledge.

ATTORNEY GRUNDMANN:

Thank you. Those are all the questions that I have.

CHAIR:

Thank you. Mr. McGhee?

ATTORNEY HANNA:

No questions, Your Honor.

CHAIR:

Mr. Stephens?

ATTORNEY STEPHENS:

No questions.

CHAIR:

Mr. Williams.

ATTORNEY WILLIAMS:

Just what I think is just a couple of short questions.

CROSS EXAMINATION

BY ATTORNEY WILLIAMS:

Q. On page 11 of your testimony, starting on line 10, on this ---

A. I'm there.

Q. --- you say that NEET MA will continue to rely on support from its affiliates in an agreement in order to construct, own, operate, maintain, finance and manage West Virginia portion of the MARL project.

A. That's correct.

Q. So all these costs we're identifying are basically assessments from affiliates that are going to be managed through this project?

A. I don't know if I'd use the term assessments. They are direct charges for ---

Q. Direct charges?

A. --- for people that are working on the project on behalf of NEET MidAtlantic.

Q. And I think earlier, you said that FERC is the one that is overseeing the recovery of those costs through --- through the rates assessed properly through FERC?

A. Yeah. FERC has the --- the current jurisdiction for the NEET MidAtlantic rates.

Q. And would that include an audit of those costs to make sure they're reasonable and appropriate?
A. It does.

ATTORNEY WILLIAMS:

Thank you.

CHAIR:

Ms. Wilson.

ATTORNEY WILSON:

Staff has no questions.

CHAIR:

Interveners. Interveners online, any questions? Commissioner Larrick.

COMMISSIONER LARRICK:

I have no questions.

CHAIR:

Commissioner Raney.

COMMISSIONER RANEY:

Yes, ma'am, a couple questions. Mr. Boykin, good morning.
A. Good morning.

COMMISSIONER RANEY:

I like your hair today.
A. Oh, thank you. It's easy to cut.

COMMISSIONER RANEY:

Mr. Hanna asked about these property taxes

and I'm still trying to figure out some of this stuff.
A. Sure.

COMMISSIONER RANEY:

$133,000,000, I think you and Mr. Hanna decided that that goes to the Board of Public Works and would be collected by the state and not the county.
A. Sorry. I said that I --- I don't know who ultimately receives the --- the payment of the actual property tax that NEET MidAtlantic makes in West Virginia. I don't know if it goes directly to the counties or to the state that is distributed down. I don't know the answer to that question.

COMMISSIONER RANEY:

Okay. So I guess my real question gets into the mechanics of some of this is --- you know, presuming that Uncle Frank and Aunt Sally have a tower or two on their property, ---
A. Uh-huh.

COMMISSIONER RANEY:

--- how's that going to affect their property tax?
A. So I can't speak upon any specific facts and circumstance of any individual landowner, but what I believe can happen is the individual landowner can address the encumbrance on their property to their local

assessor for the fair value of their property.

COMMISSIONER RANEY:

Let's presume for a moment that it goes up.

A. Okay.

COMMISSIONER RANEY:

The assessment goes up.

A. Okay.

COMMISSIONER RANEY:

Do you pay that increased property tax or do they pay it?

A. So under the current construct, my belief is that the homeowner retains responsibility for the --- the property tax expense related to the land that they own whether that goes up or down.

COMMISSIONER RANEY:

I know the responsibility remains with them, but I'm saying who is going to pay for their increased property taxes because you put a tower on their property?

A. At the moment, I believe --- my understanding is that technically that still lies with the homeowner.

COMMISSIONER RANEY:

Okay. I received an article this morning. It talks about things and I'm sure you can find articles

that talk about everything. But it was curious to me that said a literature review by Liberty Matters shows that the largest losses tend to occur when transmission easements cross rural land, dividing working farms or placing conspicuous towers near homes. Yet many affected owners, particularly those whose properties lie near but are not crossed by line, receive no compensation for their losses. How does NextEra handle such a thing should it occur?

A. I believe that question is better served for Witness Powers, who will be up next.

COMMISSIONER RANEY:

Somebody put a chain on her because she's going to leave the room. Time everybody. Also through all of this, I see that, as Mr. Williams asked about affiliate services.

A. Uh-huh.

COMMISSIONER RANEY:

And depending upon --- is that dependent upon you all being designated a utility?

A. I'm sorry. I don't understand the question.

COMMISSIONER RANEY:

Do you need to be designated --- does NextEra need to be designated as a utility before all this stuff goes forward?

A. I don't know the answer to that question.

COMMISSIONER RANEY:

Is that Ms. Powers, too?

A. No, I ---.

ATTORNEY CALLAS:

It's Mr. Callas, probably.

COMMISSIONER RANEY:

Mr. Callas, I'm happy to hear from you.

ATTORNEY CALLAS:

Yeah. In order to receive a CBCN and begin to provide utility services in the transmission of electric energy in West Virginia, we would need a public utility designation. That's one of the things we're asking for in the --- in the application. The affiliate agreements that we've put before you are presented because once we are public utility, by virtue of that designation we ask you make, then those will be affiliate agreements that are jurisdictional under 24-212. That's why we've presented them and are explaining them here. Does that answer your question?

COMMISSIONER RANEY:

I think it does. As I understand it is you need to be designated utility before any of this stuff happens.

ATTORNEY CALLAS:

Yes. Well, getting a certificate to build a public utility facilities and being a public utility, they --- they go together.

COMMISSIONER RANEY:

Can I give you a certificate and not designate you a utility?

ATTORNEY CALLAS:

If you didn't, we wouldn't be able to provide services. So I think that would get us only half the way there.

COMMISSIONER RANEY:

Okay, thank you. Thank you, Mr. Boykin.

A. Thank you.

COMMISSIONER RANEY:

Thank you, Madam Chairman.

CHAIR:

I'm not sure I agree with your legal analysis, Mr. Callas, but we will leave that for a different time. The question I have, Mr. Callas, is do we have any --- do you have any witnesses that can specifically address the tax issue? Because as I have seen these answers since Monday, nobody seems to understand how taxes are assessed in West Virginia relating to utility property.

ATTORNEY CALLAS:

Madam Chairman, I --- I think we've gotten quite a ways there and I could show them the details if you'd like. We don't have another witness to speak to it, but I can suggest to you the way that utility property will be assessed, taxed for NEET MA as a public utility is exactly the same way it has been happening for years for all of the jurisdictional electric utilities in the state.

CHAIR:

Okay. So then, since we're allowing you to testify, the Board of Public Works assesses ---

ATTORNEY CALLAS:

Correct.

CHAIR:

--- and then the utility pays that assessment.

ATTORNEY CALLAS:

That's right.

CHAIR:

And where does that money go?

ATTORNEY CALLAS:

It does flow to the counties, I believe, and the counties divided up in accordance with their formula for distribution of property taxes. And much of it goes to schools and it goes to other locations as

well.

CHAIR:

Okay.

ATTORNEY CALLAS:

Just as the other utilities in state happen right now.

CHAIR:

Okay, thank you.

ATTORNEY HANNA:

Madam Chairman ---.

COMMISSIONER RANEY:

Ask a question. How --- we spent a lot of time, or at least I think a lot of time, listening to one of the great benefits of this is the property tax benefit, but yet it seems to be a vacuum as it regards someone that can specifically talk about how that accrues to be such a benefit. I'm just --- I don't expect an answer to that. I'm just --- it's an observation.

CHAIR:

Well, Mr. Callas just explained and the way --- and somebody can correct me if I'm wrong because I'm often wrong. The way utility tax or utility property is taxed now is the value of the property and --- and there's some formula on how much of that goes to the counties that the property or that the facilities go

through, and that's where that money goes. And some of it may go to counties that aren't affected, but I'm not sure about that.

ATTORNEY CALLAS:

Yeah. I'm not --- I'm not sure about that. But I --- I can tell you if that is the case, it is a very small component of the total.

CHAIR:

But your testimony is that this transmission line, if built, will be taxed the same way that other utility properties are taxed now?

ATTORNEY CALLAS:

Yes. Appalachian Power owns transmission facilities in the state. It has those facilities, both the value of the rights of way and legal interest in land, as well as the physical facilities that depreciate over time. It has those assessed by the Board of Public Works. It gets a tax ticket once a year. It makes payments on that tax ticket. It will be exactly the same way for NEET MA.

CHAIR:

Okay, thank you.

MR. BROWN:

Madam Chairman, over here. Ms. --- I think Ms. Gruber has her hand up. You can see it on the

left. She may have a question.

CHAIR:

Okay. As soon as we finish with Mr. Boykin or --- do you think that she wants to ask ---?

MR. BROWN:

She may have a question for Mr. Boykin.

MS. GRUBER:

Yes, ma'am. I have a question for Mr. Boykin.

CHAIR:

Okay. Proceed.

MS. GRUBER:

Can you hear --- can you hear me?

MR. BROWN:

We hear you.

MS. GRUBER:

Thank you, ma'am.

CROSS EXAMINATION

BY MS. GRUBER:

Q. Mr. Boykin, my understanding then, from what you've said, is that the payments that you make to the landowners are taxable and then the payments to the landowners are part of the construction costs that NEET will then charge back to West Virginia residents in their rate increases. So are the residents then being taxed on

the property that they are unable to use, and then the rest of the residents of West Virginia are paying for the --- the lease agreements that you're doing to the residents that are affected by hosting these towers on their property?

A. So the --- the amount of money that we pay for the easements to the homeowner are accumulated into the tax basis, as I previously stated, which then generates a property tax payment, which then gets included into the --- the revenue requirements for maintaining the line, which is then submitted to PJM, which then distributes those costs across --- how they cost allocate it across PJM. And then, yes, I believe some of that heads back to West Virginia customers. Does that help?

Q. Yes, sir. So basically, we're paying twice. So whatever money we get, we're actually just turning it back over in taxes.

ATTORNEY CALLAS:

Object to the form.

MS. GRUBER:

The form --- whatever the form is, it's a true statement. Thank you, sir.

CHAIR:

Mr. Boykin, I don't have any further questions. Mr. Callas, do you have any Redirect?

ATTORNEY CALLAS:

I do.

CHAIR:

Oh, Mr. Auville, did you ---?

ATTORNEY AUVILLE:

Oh, I'm stretching.

CHAIR:

Okay.

ATTORNEY WILLIAMS:

I already asked the question.

CHAIR:

Go ahead, Mr. Callas.

ATTORNEY CALLAS:

I do. Thank you, Madam Chairman.

REDIRECT EXAMINATION

BY ATTORNEY CALLAS:

Q. Mr. Boykin, Commissioner Raney asked you about who will pay for the increase in property tax that he surmised a property owner might experience as a result of having new facilities located on the landowner's property. Do you recall that?

A. I do.

Q. We've also talked about --- you talked about the fact that once those new facilities are cited on a landowner's property, there will be an independent tax

obligation related to those facilities for which NEET MA will be responsible.

A. That's correct.

Q. Okay. If that is the case and the increase in value associated with facilities on a landowner's property are NEET MA's responsibility, do you have any reason to think that a landowner would also be assessed for the increased value of those facilities in its own property tax assessment?

A. I do not.

ATTORNEY CALLAS:

That's all I have. Thank you.

CHAIR:

Thank you, Mr. Boykin. You may be excused and now we have Ms. Powers. Poor Ms. Powers. She's going to be here all day.

ATTORNEY PRESLEY:

Yes. Thank you, Your Honor. NEET MA calls Ms. Power to the stand.

COURT REPORTER:

Can you please raise your right hand?

SARAH POWERS, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY ATTORNEY PRESLEY:

Q. Good morning, Ms. Powers. Could you please state your name and business address for the record?

A. My name is Sarah Powers and my business address is 700 Universal Boulevard, Juno Beach, Florida.

Q. And how are you employed?

A. I'm a Senior Director for NextEra Energy Transmission.

Q. And have you been involved in their certificate application?

A. Yes.

Q. Okay. And in that connection, did you prepare any pre-filed Direct and Rebuttal Testimony?

A. Yes.

Q. Do you see that up there in front of you?

A. I'm sure it's here somewhere, yes.

Q. Yeah. There should be a binder to your --- right in front of you.

A. I did prepare Direct testimony, yes.

Q. Okay. Are there any corrections that you need to make to any of that testimony?

A. No.

Q. Do you ask the Commission that your pre-filed testimony be adopted as your sworn testimony in this

case?

A. Yes.

ATTORNEY PRESLEY:

Your Honor, the witness is available for Cross.

CHAIR:

Mr. Hanna.

ATTORNEY HANNA:

Thank you.

CROSS EXAMINATION

BY ATTORNEY HANNA:

Q. Good morning, Ms. Powers. I'm David Hanna, Counsel for WATI right here. Have you --- have you been here in the preceding all week?

A. I've been watching, yes.

Q. Okay. You've heard your name mentioned a few times as someone who could answer some questions about specific areas?

A. Yes, sir. I'll do my best.

Q. Okay, great. First I want to refer you to Exhibit -- NEET MA Exhibit 7 if you happen to have that. This was filed October 23rd. It's a schedule of landowners who have executed agreements with NEET MA.

A. Yeah. Maybe give me just a second to locate that. Okay.

Q. So the --- specifically what I'm looking at is there's this Exhibit 7 and there's a column for agreement type. Do you see those ---

A. Yes.

Q. --- or that column? And there's references to option and transmission agreement and I think I saw one that just said --- or I'm sorry, option and transmission easement. And then there's one that says just transmission easement and that --- the one that says transmission easement, which sort of appears to be an outlier is on --- I don't know if I have --- oh, page 54 or Bates number 54. Is that --- should that also be option and transmission easement or is that a different agreement, if you know?

A. I don't know about that specific one. What I can tell you is that in general, our structure is an option structure. It's the same instrument as a transmission easement. So the option and the transmission easement would all be contained in one document. There are a handful, I mean, like two that we have negotiated so far that effectively are extended closes contingent upon things like approval from the West Virginia Commission. That may be what that's referring to, but that particular one, I'm not --- I'm not sure, but that may be what that is.

Q. Okay. And there's also references in the --- there's a column says ROE agreement signed and it says right of entry.
A. Yes.
Q. That's a separate --- that's a separate document from an easement agreement; correct?
A. That's correct. And I believe you can refer to my Direct Testimony attachments. Both of those documents are included there for your review.
Q. Correct. Your --- your Direct Testimony includes form copies of right of entry and option and transmission easement.
A. Correct.
Q. And there's also a compensation agreement.
A. Yes.
Q. There's --- on the same page 54, there's a few references to a real estate purchase option agreement. Do you see that?
A. Yes. That is the same effective thing as the option and transmission agreement. I think we just have a little bit of nomenclature discrepancy.
Q. Does that --- does that not indicate that that is an impacted landowner whose property --- whose whole property is being purchased, as opposed to just an easement?

A. That could be, yes, actually. That's a good observation. There are a handful of purchase options that we have executed as well.
Q. Okay. So you have or NextEra has entered into agreements with landowners to --- or have --- at least have an option to actually purchase their property ---
A. Yes.
Q. --- instead of simply an easement?
A. Correct.
Q. So, do you know what --- what criteria NextEra would use with respect to how they would enter into a real estate purchase situation as opposed to simply an easement?
A. Yeah, it's a great question. I think the first thing that's really important to understand is that this is really personal to every landowner. Everybody reacts to the impacts of this project differently. So, first of all, typically when we have discussions with landowners about whether to purchase their property, they would ask us to. Our criteria usually revolves around an assessor's opinion of whether the property is materially changed by the presence of the easement. So, for example, if there were permitted development plans that can no longer proceed because of the presence of our easement, we would consider that a reason that the

property could not be used as it's intended and potentially criteria for purchasing it outright versus just an easement.

Q. You mentioned, I think you said the word assessor.

A. I'm sorry, appraiser.

Q. Appraiser.

A. Yeah.

Q. So NextEra will use an appraiser for situations like that to evaluate the purchase of a property as opposed to an easement?

A. So we have a whole bunch of projects throughout the country where we have had, you know, conversations with landowners about how their property may be impacted, if there are other impacts to the property that extend beyond the easement area. Our experience has been that when a property is appraised for the impact of the easement, a real estate appraiser will evaluate whether there is damage to the rest of the property. And part of that criteria, and I think I have that in my Rebuttal Testimony, is whether the property's material use or uses materially change. So that's kind of what I'm referring to is how we would evaluate that. We have had instances where we will go out and get a real estate appraisal for a landowner. To be honest, we don't do that a lot because usually the landowners aren't very happy with the

outcome. An easement is typically valued at less than fee and they typically don't agree with that, but we'll definitely do that when it's warranted.

Q. Is the --- is the typical process to attempt to get an easement before making any sort of offer to purchase the property?

A. Not necessarily. You know, negotiations are very personal and very site specific. We have had people out of the gate tell us they want us to buy their property and so that's where the --- that's where the negotiations start. Our standard template, before we've had conversations with people, because we want to give them a starting point, is typically to show them our easement agreement. That's just the utility standard typically for how utilities would enter into land agreements. But those --- how those actual conversations begin is very unique to the individual landowners.

Q. Are there any situations that you know, at least with respect to West Virginia impacted landowners, where NextEra has initiated proposals to purchase property from --- purchase the property for the landowner as opposed to an easement?

A. Yes.

Q. Okay. And then that --- and what --- I guess, how is that determined on up front as opposed to waiting for

the landowner to request that they get an offer to purchase their property?
A. So I don't have every negotiation committed to memory. I try. In the instances that I'm aware of where we have entered into a purchase option agreement or going down that road, it's typically because the landowner has asked for it.
Q. Okay. And do you --- do you typically speak directly with the landowners or is that --- are --- is that --- are land agents doing that?
A. No. I wish I could, but our land agents are the boots on the ground. They're the face of the Company in the community.
Q. And then the land agents speak to you or people on your team?
A. That's correct.
Q. And how --- how --- how big is your team?
A. So internally, we have about 35 --- 30-ish internally internal land service team members with the NextEra Energy Transmission. Our agent force is, I think in the 60's. But specific to West Virginia, we have ten agents working specifically in West Virginia and a handful of title folks working here.
Q. Okay. You probably heard some discussion about property taxes.

A. Yes.
Q. I wanted to ask you, do you understand --- do you know how real estate in West Virginia is appraised and paid by landowners?
A. I am not the tax expert and I'm also not a certified real estate appraiser.
Q. Okay. So you're not --- you're not aware of whether or not the counties appraise and tax real estate owned by landowners?
A. No, sir. It's not my area of expertise.
Q. So you're not aware whether or not a transmission line right of way on a property would decrease or increase the value of an assessment of real estate?
A. So I know that this is a really important issue. What I can tell you is that I have been and my team has been involved in a number of real estate transactions throughout the country. I also try and stay current on real estate literature, members of my team and myself or members of the Right of Way Association. What my understanding is, of that issue is that any kind of impact to property value is very specific to that individual property. There is not, as far as I am aware, data showing that there is a wholesale devaluation of the property simply due to the presence of a transmission line. And I do want to say that we also don't consider

existing transmission infrastructure as a divination of property. When we evaluate our offers to landowners on the MARL project in West Virginia, about two-thirds of the property owners already have a transmission easement on their property. We are not offering those folks with an existing easement less money on a per acre basis than people without a transmission easement on their property.

Q. I want to ask you about the --- one of the form, the form easement agreement that is attached to your testimony. There --- there is a section in there about termination. I think it's just if the grantee, in this instance, NextEra, if they determine they want to terminate the easement, then they can do that and then the --- the grantor or the landowner can request that the facilities be removed. Is that your understanding how that works?

A. Yes. I mean, typically we would terminate if, for example, the project did not proceed, and at that point, there wouldn't be any infrastructure on the ground. Yeah, that is the intent that if the project terminates -- and I think there's a provision in there. I don't --- I don't have it immediately in front of me, but if you continue to read that paragraph, it says that we're also responsible if the project is terminate or the option is terminated to restore the property to its previous

condition. So that --- that's the intent of that provision.
Q. And do you know the expected life of the proposed MARL line?
A. I believe it's at least 40 years, but I would have to refer to our engineering team for that exact number.
Q. Do you know what happens at the end of the 40 years? Does the transmission line, would it still be used in 40 years or does it come out of service or any --- any idea?
A. I mean, again, I'm --- I'm not an engineer. Typically lines are upgraded, right, when they become part of the grid. But that would be a great question again for our engineers on how they --- how they go through that process.
Q. Okay. When I was asking Ms. McCormick questions the other day about any sort of concerns or complaints she heard from landowners or anybody else about their interactions with the land agents, she --- she mentioned your name and that she would pass those on to you and you and your team would address those. Have you ever heard any concerns that Ms. McCormick received that she passed on to you?
A. Ms. McCormick, not specifically, no.
Q. Okay. What about other than Ms. McCormick?
A. Well, I have read your discovery and so I am aware

of the concerns. I've also read Staff's testimony. So I am aware of those concerns.
Q. Concerns related to interactions between landowners and land agents?
A. Correct.
Q. Other than reading that, have you heard personally from a landowner regarding any concerns regarding with their interactions with land agents?
A. I have not personally been contacted by any landowners, no.
Q. If the landowner has a concern with the interaction with a land agent, are they --- are they provided with any materials in which they can pass on those concerns directly to NextEra or are they only provided with contact information of the land agent?
A. Yeah, that's a great question. So typically the landowner is given a package with a fact sheet that contains a phone number and an email address to our project hotline. I am aware of some landowners using that format to have discussions with our staff. So they do have an alternative method of communication if they choose to use it.
Q. And is that --- that's a --- that email address and hotline phone number, that could be used for --- for landowners to pass on concerns with land agents or any

other issue with respect to the project?
A. That's right.
Q. And who --- where does that --- where does that phone number go to? Who answers the call?
A. So it initially goes to our marketing and communications team and our development team that Ms. McCormick heads. Any land related issues are then passed on, actually typically to me and then I reach out to my team to see if we can address it. Usually if they are --- it depends on the nature of the inquiry. Sometimes our land agents will simply call a landowner back or stakeholder back. If in some cases they've asked for, you know, details through email, our marketing communications team will work with us to develop a response to that landowner to try and be responsive to their questions and respond to them through the email address.
Q. And same for where the email address goes? Where does that go?
A. That's right. Same place.
Q. So calls through the hotline, emails that come in, are those categorized or documented in any way?
A. Yes. We document every communication that comes in.
Q. So if you were to get a concern from a landowner, how would that --- where would that be funneled to and

how would that be addressed?
A. As I mentioned earlier, any landowner concerns would typically be forwarded to me. At that point, I would bring in whoever from my team is involved in that specific landowner's interaction or case. We would review it and depending on the nature of the question concerned, either the land agent or one of our land supervisors would call the individual back or we would respond to them through the email in which they reached out to us.
Q. Okay. So they might hear back from the land agent themselves or a land supervisor, you said?
A. That's right.
Q. Now, is the land --- who's --- what's the land supervisor? Is that someone who works for NextEra or is that someone who works for the land agent company?
A. Yeah. So maybe --- maybe it would help to explain kind of the structure of how our team works. So most of our field agents are vendor agents that we source through a third party contractor. They are overseen directly by NextEra staff. So when I say land supervisor, I'm talking about somebody that works directly for me or on my team.
Q. Okay. Do you have your testimony in front of you handy?

ATTORNEY PRESLEY:

Yes. It should be in that binder right in front of you. If you look on the --- maybe the one right --- right there, there should be a page on the very front with an index.

A. Okay.

BY ATTORNEY HANNA:

Q. Are you there?

A. Yes, sir.

Q. Okay. I'm looking at your --- I'm actually looking at your Rebuttal testimony. I may have said Direct, but I ---.

A. No, that's okay. I have that.

Q. You have both in front of you?

A. Yeah.

Q. Okay. I'm looking at page 7, Bates number 245.

A. Yeah.

Q. So there's a question that Interveners and Commission Staff have made assertions regarding communications by NEET MA's land agents with landowners. How would you respond to this testimony? You say much of the reference testimony does not provide specifics. However, at a high level, NEET MA takes these concerns very seriously. And just to paraphrase, you mentioned that NEET MA hold its land agent to the highest standard

and requires them to follow a strict code of conduct when interacting with land --- landowners; is that correct?
A. Yes.
Q. And I think you --- I think you --- you attach a --- Attachment 2 is a land agent --- land agent code of conduct.
A. Right.
Q. Is that --- is that provided to the land agent --- the land --- the land agent company, as well as the individual land agents who are dealing with the landowners?
A. Yes. It's typically part of our scope of work that we put out to our vendors. We also require, like, a 90 day run up between interviewing and hitting the field where they're trained. They're all given a copy of the code of conduct and are put through additional training and reminders about that conduct expectation on a very regular basis.
Q. What kind of training --- what does the training generally consist of?
A. So at a high level, we want them to understand the easement agreement, but in terms of conduct, which I think is what your question is, we want to make sure that they understand the intent behind the code of conduct. We expect our agents, whoever is representing our

Company, to interact with anyone in a respectful, transparent and truthful manner, particularly when it comes to our land agents. Their job is to get to a voluntary agreement, if they can with the landowner, that is it. They are not permitted to threaten a landowner. They're not permitted to really discuss eminent domain other than if they're asked to confirm that the project has it. We do messaging training with the land agents. We also have, you know, our land supervisors that I mentioned interact with them, if not on a daily basis, several times a week. We have monthly in person meetings where we reiterate some of the training. So we take it very seriously.

Q. How are --- are the land agents compensated in any way to get a --- to receive a Commission for how many voluntary easements they --- they are able to enter into with a landowner?

A. No.

Q. So how are they compensated?

A. It's typically a day rate. Those rates are actually negotiated through our supply chain group. So I --- I actually have no say into what the compensation of the vendor agencies are. And then the vendor agencies pay their agents a day rate based on the work that they do.

Q. The --- the individual land agents, do you know

where they --- where they come from? Are they --- for specific --- for this project, generally where the land agents are residents of, are West Virginia, Maryland, Pennsylvania? Is there --- is --- I'll let you answer that question.

A. Yeah. So I mentioned that we have ten acquisition agents and that includes our supervisors working on the project. And actually, let me --- with our supervisors, I believe it's 11. Eight of our acquisition agents that are working in West Virginia are from West Virginia, three of which are from a county impacted by the project. We actually also have an agent working in Maryland that's from West Virginia, and one of our land supervisors is a resident of Maryland.

Q. So you mentioned, there's 11 total?

A. Right.

Q. And that's --- that's the whole land agent team for this project?

A. For West Virginia.

Q. For West Virginia.

A. The total number, I believe, is 21 for the whole project.

ATTORNEY HANNA:

I would like to have an exhibit marked WATI Cross 1 that I'll hand out.

(WATI's Exhibit Cross 1 was marked for identification.)

CHAIR:

Okay. Thank you.

BY ATTORNEY HANNA:

Q. Ms. Powers, turning to the next page of your Rebuttal Testimony, page 8, which is Bates stamps 246. There's a question --- are you there?

A. Yeah.

Q. Okay. There's a question that says do land agents threaten landowners the use of eminent domain and your answer is no, and then an explanation that instruct our land agents not to bring up eminent domain and treat landowners with respect. Now, I want to refer to what I've marked as WATI Cross Exhibit 1. Do you have that in front of you?

A. Yes.

Q. And that --- for the record, that's an email from David Birmingham of Lonestar Land Services to Mr. Wotring, who is John Wotring, who I believe is an Intervener in this case and an impacted landowner. And have you seen this email before today?

A. Yes.

Q. Okay. And it's --- it states in there --- I won't read the whole thing, but the third sentence says later

we'll come to a point where we will require a temporary restraining order to survey your property and have an appraiser appraise your property for this project. Did you see that sentence there?
A. Yes.
Q. And is that --- is that in compliance with the land agent code of conduct to use that sort of threat or language?
A. Absolutely not.
Q. So when you saw this, what did you think of this?
A. I thought it was awful. I was mortified. This kind of thing has never happened on my watch. I called our land supervisor. He was horrified that an agent with this much experience would behave in this manner. It's completely unacceptable.
Q. One of the last two sentences says please do not let it become worse than it has to be. This is the only written communication I've seen with the land agent. Are you --- are you --- is it typical that there are emails or any sort of written communications between land agents and landowners?
A. Yes. They do sometimes communicate via email.
Q. Okay. So I guess, do you have any explanation of why a land agent would make a communication like that?
A. He shouldn't have. There is no excuse for why a

land agent would make a communication like this. Within a couple hours of learning about this email, we had requested all of the individual's emails from the vendor. We had spoken to the agent, the supervisor that is supposed to be reviewing his contacts and at the end of the day, that individual is no longer employed representing the MidAtlantic and will not work on any of our projects ever again.

Q. That --- is that --- that's for the whole --- the Company itself or just the individual land agent?

A. The individual land agent.

Q. So --- and look --- what's --- what is Lonestar Land Services?

A. They are a land services company based out of Texas.

Q. And are they the --- are they the only land agent servicing company that is on this project or are there more?

A. No, sir. We have three on the whole project, Lonestar Land Services, which employs several of the West Virginia based individuals I mentioned earlier, Doyle Land Services and BETA Land Services.

Q. Has --- once NextEra received this, did they have any contact with the landowner?

A. Yes. We called the landowner. One of our land supervisors called the landowner, I believe the next day,

apologized to him. The landowner asked us to call his father, which we did. We also pulled all of this particular individual's contact logs for any individual he spoke to. I believe at this point, we've contacted everyone that he was in contact with, let them know that we are taking over communications internally. We have apologized for any of the behavior that may not have come through in the contact logs. So we've made contact with everybody that we're aware of that this agent was --- was assigned to.

Q. I don't think I had asked this question yet, but it was --- it was going back to the issue of the property taxes. I think I heard a landowner state that there was an offer or an explanation that the Company, NextEra, would be paying their real estate taxes for a certain period of time. Did you hear that?

A. Yeah. I think that was Ms. Gruber. I --- I can't speak to what the conversation was. I will say Ms. Gruber is one of the individuals that was assigned --- that had this land agent in question assigned. We have been in contact with her as well. So I --- I can't speak to, you know, how that conversation went. Obviously, this individual was not behaving in accordance with our expectations. What I can say is that we have plans following the hearing to sit down with Ms. Gruber and

anyone else who wants to have a conversation to make sure that they clearly understand what our easement agreements do and do not commit to.

Q. So you're not --- you're not aware of their authority or any proposal to a landowner that would include paying their real estate taxes?

A. I'm not. The instances, if it's helpful that I'm aware of where we would pay taxes are things like, you know, if a property was in a, some kind of conservation easement or in an agricultural program where you had acreage removed and there were rollback taxes that the individual was assessed. Our intention is not to have any increase to the landowners taxes based on, you know, our activity. So we would pay those rollback taxes, for example. But I believe Mr. Boykin presented what I believe is the, you know, the case for underlying real estate property taxes.

Q. So if a --- what would your message be to landowners if they have any issues with a land agent and want to report them? Do they just call that 1-800 number or send an email to that email address?

A. It will definitely get to me if they do that. I think they can also request the contact information for our land supervisors, but that would really be the best way. That phone number and email address would be seen

by multiple people in the Company, including Ms. McCormick. We take agent conduct extremely seriously. You know, we have been in the community for a year and a half trying very hard to build goodwill when we can. I know it only takes one person to destroy that and that's not lost on me. I --- I take our agent conduct very seriously. So I would tell anyone who's not comfortable reporting --- you know, obviously if the agent is misbehaving, you're not going to want to tell that person, you know, directly. But send an email to the --- to the hotline, call in. It will make it to me and we will address it.

Q. I think I've heard one concern that they may --- maybe there was some hesitation to report something because then they might just get contacted by that same land agent again. But you're saying that that wouldn't be the case for depending on what --- what they're reporting?

A. Yeah. I mean, we try really hard to validate, you know, concerns. And obviously in the case of Mr. Birmingham, you know, this is pretty egregious. We found a couple other instances of his communication that weren't near quite as egregious, but still unacceptable. Any time --- and it doesn't happen very often. Like this is an outlier, to be clear. We went through all of

the contact logs of all of the individuals that we were aware of that reported agent conduct. Typically, and this was the case with Mr. Birmingham, there is a pattern. There was here. I haven't found that anywhere else. But again, we take it extremely seriously. If I find out there, you know, someone is concerned about agent conduct --- and I run, you know, the entire country's land program for NEET. I want to know what happened. I want to know who the landowner is. I want to know what happened on their property. I want to know who the land agent is.

Q. The --- the --- the MARL website on the --- or MARL NextEra website has a map and it has a phone number and email address. Is that the same hotline email address that I think you're referring to?

A. I believe that it is, yes.

ATTORNEY HANNA:

Thank you, Ms. Powers. I have no further questions and I move for admission of WATI Cross Number 1.

CHAIR:

It may be admitted into the record. Mr. Harkins.

ATTORNEY HARKINS:

Thank you. Just a couple quick questions

to follow up on Mr. Hanna's line of questioning.

CROSS EXAMINATION

BY ATTORNEY HARKINS:

Q. You kind of alluded to it, but what's the process if a land agent doesn't follow the code of conduct?

A. So, I mean, in general, there is going to be, at a minimum, some retraining. We may reassign the land agent. If they're blatantly not following the code of conduct, we're going to fire them.

Q. And is that like an internal policy or written policy, something along those lines?

A. I mean, I think our code of conduct is pretty clear about what our expectations are. And given that we provide that to our vendor agents as part of the expectation for the services they provide, if they're not abiding by that code of conduct, I would say that they're not delivering on the services.

Q. And other than this one individual, has NEET had to discipline or fire any other land agents ---

A. We've ---.

Q. --- in connection with this project.

A. Yeah. We've released some of the land agents more related to, you know, performance issues. Not related --- things like not properly documenting their contacts. I am not aware of any other contacted or, excuse me,

conduct issues that we've been able to substantiate.

ATTORNEY HARKINS:

Thank you. I have no further questions.

CHAIR:

Ms. Grundmann?

ATTORNEY GRUNDMANN:

No questions.

CHAIR:

Mr. McGhee?

ATTORNEY MCGHEE:

No questions.

CHAIR:

Mr. Stephens.

ATTORNEY STEPHENS:

Thank you, Madam Chairman.

CROSS EXAMINATION

BY ATTORNEY STEPHENS:

Q. Good morning, Ms. Powers.

A. Good morning.

Q. Probably heard my name by now. Bradley Stephens. I represent the County Commissions and Ponderosa Pastures Corporation. I wanted to first ask you about your Direct Testimony. If you want to turn to that, pages 13 through 15 is what I have down. I'll give you a moment to catch up.

A. Yeah.
Q. Oh, you're --- you're there already?
A. Yes.
Q. That was fast. I believe there you discussed just in general terms, NEET's vegetation management plan for the right of way going forward, expectations, general plans to essentially keep the right of way from becoming overgrown. So you have --- otherwise, you'd have violations of the ground clearance requirements, the National Electrical Safety Code, is that right?
A. That's correct.
Q. You --- you referred to some occasional application of herbicide or herbicides. Would that be glyphosate, Roundup or other products? What --- what does NEET intend to use if this goes forward?
A. So we develop --- and I think it's in my Rebuttal Testimony and was recommended by Staff, we develop a vegetation management plan that is specific to the area in which the right of way will be maintained. So I can't tell you today what those specific chemicals would be because we haven't developed those plans yet. But they are EPA approved, labeled for the use and the conditions in which they will be used. And as we mentioned in our testimony, you know, Mr. Givens mentioned we have no plans to spray during construction and during operations.

If they are needed, it's typically a backpack sprayer with very limited spot applications.
Q. Okay. So you mentioned spot application. Are there --- would there be any plans by NEET though to engage in aerial broadcast spraying the herbicide at any point?
A. We have no plans to do that and in practice have not.
Q. Thank you. If you could please turn to your --- it's your Direct Testimony Exhibit SP-D, Attachment 1, I believe it's designated. And I'll just give you a moment to turn ahead with that.

ATTORNEY PRESLEY:

Yeah. It should be right behind your Direct Testimony on your ---.
A. Yes. And which --- which attachment?

BY ATTORNEY STEPHENS:

Q. I believe it's designated Attachment 1 and it's several documents compiled into one attachment; is that correct?
A. Yeah, I got it.
Q. And I believe the --- the first one is simply the template that's used for the right of entry agreement that Mr. Hanna discussed a little bit with you a few moment ago, right?
A. Yes.

Q. I believe the second one is generally titled option and transmission easement agreement, is that right?
A. Correct.
Q. And do I understand if a landowner has executed one of those, it grants to NEET an initial three year option turn --- term during which NEET could exercise that option and have the desired transmission easement, but also with the additional upon NEET's selection, to extend that by an additional three years, essentially extend the time during which NEET could exercise the option?
A. That's generally a correct assessment of what's in the form agreement, yes.
Q. Okay. So have --- have --- have any of your land agents with authority deviated from that at all or is that across the board, it's three and three, essentially? You're bound at --- you're giving us three years and if we elect to, we get three more years to exercise the option?
A. So I think, if I'm understanding your question, there are cases where a landowner may want to negotiate the terms that are in the easement agreement and we do have those conversations. The reason that it is structured in that way is that we obviously would not want to execute on the landowner's property and put a permanent easement on their land if the project does not

proceed. So the three year timeline from the time we started talking to landowners is approximately when we would expect to have all of our approvals, right, so that we would know the project is moving forward. In the case there's some delay, that is what the extension is intended for.

Q. Okay, thank you. If you could now turn just, I believe it's just several pages ahead in that same attachment to the --- what I believe is titled the compensation agreement.

A. Yeah.

Q. And as I understand it, I believe even in the heading, it designated --- this is designated as non-recorded. And I interpret that, I believe correctly, to be the option of transmission easement agreement would be recorded in the respective County Clerk's Office, but the compensation agreement would not, right?

A. Your understanding is correct, yes.

Q. Is there a particular, I guess, driving rationale behind not recording those agreements?

A. Yes.

Q. And what would that be?

A. We have taken the position, and I believe it's the correct one, that our landowner negotiations are confidential. So that is the reason that we do not

record the compensation agreement because typically those are --- that's the part of the agreement that is heavily negotiated. It's very specific to that individual landowner circumstances and we believe that that should remain private with the landowner.

Q. Fair enough. I believe the components of the compensation broken down in this agreement, first, it references the actual option payment. And am I correct in recalling that that's simply the amount that was agreed upon that NEET is tendering to the landowner upon execution of these documents?

A. Yes, it's typically an annual amount until the option is executed.

Q. And --- and what is --- how do you calculate what that amount will be for an option? Is that based on acreage?

A. It's usually a flat payment, but like everything else in our agreements, that is typically negotiated by the landowner based on the conditions of their property.

Q. Could you share with me what your --- your median option payment is so far with neg --- successful negotiations with landowners. Do you have like a median value that --- or an average?

A. I don't know what the average value is. I can tell you high level, you know, it may range from a few

thousand dollars to more than that, depending on the landowner's property.

Q. Okay. Just scrolling down a little bit more, the compensation agreement makes reference to some one time payments and believe those --- the first of which is a signing bonus. And I'm not sure I completely understand the language there. There's reference made to a 15 day window. I hate to ask this because I'm the attorney, but --- and I don't mean to ask you for a legal conclusion, Ms. Powers, but in practice, let me just ask. Have many landowners satisfied the criteria to obtain the signing bonus and how did they do that?

A. They signed the agreement.

Q. Would then ---.

A. To my knowledge, all of our landowners that have signed an agreement have gotten a signing bonus. That's --- that's the criteria.

Q. So is it --- is it 15 days from when though they have to sign?

A. Typically --- so there's no like date that --- that's not the intent of that paragraph. The intent of a 15 day payment is from the date that the agreement is executed, we would then have 15 days to pay the landowner.

Q. Oh, okay. I'm sorry. I misinterpreted that.

Appreciate the clarification. The second component is per acre compensation. So that would be --- am I correct that's the, like, the footprint of the easement on the specific tract?

A. Yes.

Q. So would that be based on an appraisal for that particular property?

A. As I mentioned earlier, typically it's not based on an appraisal because the appraised value of an easement is usually less than we pay. So we typically trying --- so take a step back, right.

Q. Okay.

A. An easement is a non-possession use. So at the end of the day, the landowner is retaining the underlying fee ownership of the property. So most appraisers that I have --- like the appraisals that I have seen, value the easement at something significantly less than the underlying fee value. I've seen like 60 to 80 percent in practice. We try and pay at least fee value, if not slightly above, for the easement, even though we're not obtaining fee value or, like, the fee ownership of the property ---

Q. Okay.

A. --- if that answers your question.

Q. Sure, yeah. Thank you. And the third component

right after that is entitled, I believe, crop compensation.
A. Uh-huh.
Q. I think there's some reference made to maybe even maintenance of, you know, native grasses or just if you're growing corn, wheat, buckwheat, whatever, in the planned easement, the landowner would be compensated for at least what was already planted and hadn't been harvested yet. Is that fair to characterize that?
A. Yeah. I mean, so that --- that provision is intended to kind of give landowners an idea of how they might be compensated if there are financial impacts due to our activities, you know, particularly during construction. So yes, if someone has already planted, for example, and then we have to tear up the crops because construction has started, this is intended to make sure that the landowner is made whole for that. Other things I've seen in the compensation agreements --- you know, crop compensation may not be that applicable to West Virginia. There's other types of things people do. Pasture land has been disrupted or compacted. We've had those types of compensation provisions in our compensation agreement. I've seen marketable timber compensation, but that's really the intent, right. If we have to tear something up that you had a financial

obligation for, you need to be made whole for that.
Q. Would you agree with me that the compensation agreement doesn't reference standing timber there?
A. Yeah. The form agreement that we filed with our application doesn't reference standing timber. That's why it's so important for us to be able to speak with the landowners and understand what's happening on their property so that we can make sure if there's additional compensation that is warranted, it makes it into the agreement. And those are things that we negotiate all the time.
Q. Okay. On Monday, Ms. McCormick, I believe it was my understanding she deferred to you on --- on a --- on a question concerning her Direct Testimony. She --- she made a reference to approximately, I believe it's $65,000,000 in payments to landowners over the life of the project. I asked her a clarifying question at the time to seek to understand whether over the life of the project was meant to only modify payment of property taxes or property tax revenue flowing to the counties over the life of the project or did that also pertain to the payments to landowners? So given my continued lack of clarity there, are --- does --- is there any kind of understanding in place with any landowner to provide compensation with them to them going forward after

execution of the compensation agreement and after you've made the, you know, the one-time payments A, B and C and the option payment, anything in the future? Any plans for that?

A. So there's a couple times in which a landowner might have payment beyond, you know, the one-time payment. One of those is crop compensation. That would typically occur after restoration occurs because we would want to make sure that after all the activity cease, we capture any damage that occurred.

The other thing that I made reference to earlier is in the case of something like rollback taxes, something that's pretty common for us to include in our compensation agreement, if the landowner isn't being subject to roll back taxes because of, for example, removal from agricultural uses, that would be a payment that we would agree to pay as well.

Q. Okay. But those would --- would you consider those sort of outliers not incredibly common?

A. No. I mean, we --- we see that. I mean, not on every property, but we --- we see that a lot. Like, I'm pretty familiar with approving those types of provisions in our agreements.

Q. Okay. I guess I'm --- I'm trying to understand where the $65,000,000 comes from, because in page 4 of

your Direct Testimony, if you want to turn back to that, but I'll just represent to you, you make reference to 1,445 acres would be covered by the planned line easements in West Virginia. I'm not a mathematician, but if I take the $65,000,000 and divide by that acreage, I'm getting about $45,000 per acre. Is that over the life of the project? Is that what you're going to be paying landowners?

A. So it's not quite right. So that $65,000,000, first, I would say is an estimate, right, that we attempted to evaluate, like, all the compensation that would be due landowners. That may change as we learn more about landowners property. But what wouldn't --- and you have to tell me if this doesn't answer your question. Went into that $65,000,000 back of the napkin math, about $11,000,000 of that is for access, temporary construction, crop compensation, damages, things like that. The remainder, you know, the $54,000,000 remainder would then be direct payments to landowners for easement payments, signing bonuses, option payments, things like that. But, again, it's --- it's an estimate and that may change based on, you know, the conditions of the property that's we receive.

Q. Okay. Can I ask how you --- the --- the $54,000,000 portion of that, how did you arrive at that estimate?

A. So the bulk of that is the actual easement payment to the landowner. And again, you know, there's very specific property conditions that may change what, you know, per acre value on a property is. But at the onset when we do these estimates, especially in PJM, when we haven't had the opportunity to talk to landowners yet, we know the approximate route that's going to go into our application. So we will commission market studies from real estate firms to get an idea of what comparable values are in the community. Just like if you sold your house, you would get an appraisal on your house to make sure that what you're paying for it is within market, just to give us an idea. Typically those market studies will break cost down by property size, property use, looking at recent sales in the area. And then we typically add a little bit of a multiplier to that to evaluate at a high level what we think the easement payment would be. We typically try and break it down by county, by use type, by property size to get an idea of what we think easement payments may end up being for the project. So that --- I don't know if that answers your question.

Q. Oh, I'm sure as well as it can at this point in the --- in the process. I appreciate that. Could --- could you please turn to your Rebuttal Testimony, page 28? I

believe it starts at line 10 on that. Just let me know when you're there, please.

A. I am there.

Q. Thank you. Here, you essentially respond to Staff's proposed condition 13, specifically set forth in Mr. Egnatoff's testimony. And that condition, as I understand it, it would require the Company to purchase properties containing residences within 400 feet of the center line whose owners wish to sell. So anybody who wants NEET to purchase their entire property, as I understand that, NEET would be bound to honor that --- that election or that option and --- and make that purchase.

You respond there that a requirement that NEET MA purchase all property with residents within 400 feet of the proposed center line would increase land acquisition costs of the MARL project substantially and be uneconomic. Did NEET perform an analysis or prepare an estimate of the monetary amount by which its land acquisition costs would increase in the presence of this condition?

A. So we have like a back of the napkin estimate on capital cost of the actual fee acquisition itself. We don't have a full economic evaluation largely because the conditions under which we would have to purchase those

properties is very unclear. So, for example, what happens if we get an appraisal on the property and the landowner disagrees with the appraisal? Do we then have to take them to court in order to evaluate what the property purchase should be? There's also an unclear obligation on the back end once the project is operational. We're not a residential real estate company or a transmission development company, so we don't really know, again, based on the conditions in which we would be required to purchase the property, what that operational burden would be, especially at a large scale. So I don't think we have enough information to today to do a thorough economic evaluation, but just certainly has the potential to dramatically increase both our land costs for the project being built and the operational costs on the back end.

Q. Okay. As far as the appraisal obstacle, potential appraisal obstacle you identify, would modification of that condition such that NEET could select an appraiser, the landowner could select one, those two appraisers then select a third party appraiser to actually conduct --- you know, they agree on an appraiser to actually conduct that appraisal. Would that mitigate your --- your concern about disputes over, you know, how it should be appraised?

A. Yeah. I mean, what you're describing is typically how it would be resolved in a court proceeding. You know, you then end up with schedule concerns depending on can we get access to the property while that valuation dispute. But I think on the valuation question specifically, that's probably what would be required. I do have other concerns though as well.

So I mentioned earlier that two-thirds of the line has an existing transmission line on it. Just in terms of clarity of the requirement, there are places where there is the --- the existing line would be between our new line and the landowner's residence. So in that case, is it really practical to require us to purchase that property? Or for example, you know, I mentioned earlier, we think that purchases are prudent when the underlying value or use the property has changed. There are some very large parcels where, you know, someone owns 100 acres. Just hypothetically, is it really practical and fair to rate payers to take on the cost of purchasing that entire property?

The other thing that I would note is in terms of a practical standpoint, we're not sure that this is a necessary requirement. Again, we mentioned earlier, we have already offered to purchase a number of properties. But NEET MidAtlantic and its affiliates operate more

than 2,000 miles of high voltage transmission with a number of structures closer to 400 feet. Those structures do not pose an operational risk. They do not pose a safety risk. They do not pose a maintenance risk. So from a practical standpoint, we don't know that it's a necessary requirement. But again, I think our largest concern is on the operational side. How do we manage a fleet of 60 to 70 properties with structures on them that may not otherwise have been prudent to purchase and then --- and then manage.

Q. Couldn't that concern be resolved by simply after you acquire the tract at issue, you retain the easement you need and maybe any kind of peripheral parallel access to it, maybe road access, you retain that and sell the residue on the market?

A. I mean, I think that's one of the things that we would end up having to do. But it still would require, you know, security, taxes, maintenance of a large number of the properties and that's just not our core business.

Q. Isn't it your testimony though that the presence of transmission lines doesn't adversely impact the value or marketability of real estate.

A. Right, and that's not what I'm suggesting. I'm just saying that flipping real --- residential real estate properties is not what we do.

Q. I understand you're not in the business of it, but I --- I --- I'm struggling to see how there's an obstacle. What --- what is in the way of NEET purchasing those properties that satisfy the criteria and the landowner elects to sell, retaining the easement, and as I said, any necessary access and simply selling the residue? I don't understand what's standing in the way of that and I don't see how rate payers are going to be on the hook for that in the long run.

A. Yeah. I think it's --- it's what I alluded to earlier, right. There will be an operational cost to managing, maintaining, reselling those properties. That was not in our original assumptions. It's not in our operations budget. So from that perspective, because we have not done that on a large scale, we don't fully understand what the operational cost would be to us or to customers.

Q. Would you agree with me, though, that as we sit here today, even Ms. McCormick and other people higher up in management of this project don't really know the exact, what the exact cost of this project would be at the end of the day?

A. No. I don't think that is accurate. I think we know, based on the information we have today, as the previous, you know, witnesses have testified, that we

believe the project cost is, I think, $1.16 billion.

ATTORNEY STEPHENS:

Fair enough. I believe that's all the questions I have for you, Ms. Powers. Thank you.

CHAIR:

Mr. Auville.

ATTORNEY AUVILLE:

Thank you, Your Honor.

CROSS EXAMINATION

BY ATTORNEY AUVILLE:

Q. Good morning. So a lot of my stuff's hardly covered, so hopefully we can move through this quickly. So when you were speaking with Mr. Hanna, you --- you indicated there's a process, a number and maybe an email address for people to --- to file a complaint if they have a problem. Is there any way you could cut off --- cut out the middleman and just have him contact you directly?

A. You know, that was actually the most fun part of my job back in the day when I got to talk to people directly. Plainly, it would be really inefficient. Like I cannot physically respond, even though I wish I could, to every single landowner complaint. That is one of the reasons we want landowners to have a dedicated land agent, so that they have a person that they can reach out

to. So it would be most efficient to make sure that those people know that they can go to the website if you don't have the flyer handy and use that, it will get to somebody. But as much as I would love to have everybody in this room call me, it would take me a really long time to get back and I want to make sure that we can address people's concerns in a timely manner.

Q. Okay. So you just mentioned that you operate about 2,000 miles of transmission line across multiple states. Can you --- what --- what states do you all operate in currently?

A. I don't recall if this is in Ms. McCormick's testimony or not. I mean, I can give you a handful that I know off the top of my head. New York, Kansas, Missouri, Texas, Nevada, California, Canada. I'm probably missing a few.

CHAIR:

Florida?

ATTORNEY AUVILLE:

Yes, ma'am. Thank you.

BY ATTORNEY AUVILLE:

Q. Oh, Florida. So I want to talk a little bit about the right of way maintenance. I know you said that basically you will have a plan in place and it will be sort of tailored to the terrain and everything that you

are crossing. But there are some general parts of the vegetation management program; is that correct?
A. I mean, if you're referring to our vegetation management plan that's in my testimony, ---
Q. Yes.
A. --- we do have, like, general criteria and methods that could potentially be used, yes.
Q. Sure. And --- and they may change a little bit depending on the actual circumstances in that specific area or on a piece of property?
A. That's correct. We develop a work plan for the project and it's updated at least annually.
Q. Okay. So my understanding is, and I maybe should have asked Mr. Givens this, but I think you can answer this. The initial clearing, there will be no herbicides used at all. It will be all hand cut; is that correct?
A. That's my understanding from Mr. Givens testimony, yes.
Q. So will the right of way be completely all vegetation removed from the right of way or will there be what would be called compatible vegetation undergrowth left in the right of way?
A. I don't know the answer to that in this specific case, but in practice, we have to remove vegetation that would interfere with construction. So that varies by

whether, for example, there's a structure there or whether it's simply a place where lines would run. But then in operation, certainly compatible vegetation would be --- would be left.

Q. Right. So moving forward, when --- when --- when it comes to what you --- what you would be testifying towards, compatible vegetation would be left. Can you maybe expound upon what that --- what that is?

A. Yeah. So I'm not personally familiar with every plant that may grow in West Virginia. In my testimony, there's an attachment that describes clearance requirements for vegetation. As long as the vegetation is not a danger to humans, so something like poison oak, poison ivy, potentially something with sharp thorns, like, we target plants that are dangerous to humans. Things that do not violate those clearance requirements would generally be acceptable.

Q. And you said that you'll spot use herbicides. So give me an idea of when that might be necessary. Like a larger tree has grown that could potentially impact the --- the transmission line that's grown in the right of way. You would cut that down and then maybe spray that with herbicide to make sure it doesn't grow back?

A. I don't know that's true for trees. I think maybe a good example would be in the case of an exotic plant

species that may grow back very quickly. It may be a more appropriate use. And again, I'm not an expert in --- in exotic vegetation or what herbicides would be prescribed, but that may be a case where herbicide is appropriate to manage invasive vegetation.

Q. Okay. And you talked about clearance heights. Well, the --- the final design of the project --- no, let me --- let me ask it this way. Do you all have any specific ground to clearance, like, ground to conductor heights that you all adhere to? In other words --- sorry, go ahead.

A. No, no, no, go --- please finish your question.

Q. No, no, no. I --- I believe you were going to answer, so go ahead.

A. Yeah. Well, I was going to say that would be a great question for Mr. Givens as far as the design.

Q. Yeah.

A. But as far as operations and maintenance, we have federal requirements that we are required to adhere, you know, to maintain the reliability and safety of the line. Those NERC requirements are things that we have to report on regularly. And so that's effectively what would govern our --- our clearance management of vegetation in the right of way.

Q. Somebody asked this question yesterday and it kind

of sparked something for me. They're asking who's responsible for maintaining the right of way going forward, and generally that would be you; correct?
A. Yes. So --- oh, go ahead.
Q. No, you can go ahead and answer. You can expound.
A. We are, as I say in my testimony, our priority is maintaining the right of way so that we can safely and efficiently and reliably operate the line. That is, that is how we manage the right of way.
Q. Do you all ever enter into agreements to allow the landowner to do the right of way maintenance themselves?
A. So they wouldn't necessarily need that, right. Like, we can't --- for example, if there is an emergency, we have to be able to maintain the right of way so that the line can operate reliably and safely. But in terms of day to day use of the right of way, our easement agreement very clearly states that they can use it. So we have landowners that, for example, use the right of way to grow crops. I've seen people plant food plots below it. Like those types of things are at the landowner's discretion as long as they're not interfering with our ability to operate and maintain the line.
Q. Sure. But specifically, have you ever entered into an agreement to allow the --- the landowner to take the responsibility to do the right of way maintenance instead

of yourself?
A. Not that I'm aware of.
Q. In your testimony, you talk about when you are going to do activities on the property you plan to contact the landowner. Can you walk me through that? What is your process to contact that landowner? Do you give them a week's notice, three days' notice? I know sometimes you can't give advance notice, but generally for normal operations, what sort of notice would the landowner be given?
A. Yeah. So best practices, again, depending on the type of maintenance that needs to be done, is we would send a letter a month or so in advance, particularly if there is a requirement that we think herbicide may need to be applied. In those cases, there's often required reporting and notification. But so, yeah, typically we would send a letter or a phone call at least a month in advance, and then we would follow up a few days before the maintenance activity would need to take place.
Q. With a phone call or an email?
A. Correct.
Q. Depending on preferred method of contact?
A. That's right.
Q. Following up a little bit on some of the questions that Mr. Stephens was asking about, about the 400 foot

purchase. Yesterday, I asked somebody, Ms. Heater, I believe, how many properties are within 400 feet of the center line. Do you know the answer to that question?
A. My recollection is she committed to providing that analysis.
Q. Yeah. Do you know how long that might take?
A. I don't.
Q. Okay. I think this question's been kicked to you several times about there's been a lot of conversation about wells on people's property and it's a --- it's a big concern of people along the route. So, what can you tell us about how you plan to identify and try to mitigate potential impacts to wells during the operation of this project?
A. So a large part of that would occur during and before the construction period. If a landowner identifies a well that is within the right of way, we will typically pay to relocate it for them. So the other thing that's really important, and again, why it's so critical for us to be able to have conversations with landowners, is that if a well is not in a national database, we may not know about it. So our construction crews and our design crews need to know where those wells are, so that they can design safely around them. In the operations phase, in practice, we typically have a buffer

of at least 50 feet from those structures. And there is, in, I think our application, I think it's Appendix E, we will also be developing a groundwater protection plan that should include protections for wells.
Q. Okay. So when you mean a 50 foot buffer from that structure, do you mean like you --- what does that mean? That you won't use herbicide within 50 feet or that you --- you said that you would move a well that's inside the right of way so you would be at least 50 feet from the right of way. What did you mean by that?
A. Yeah, sorry. So it's two separate things, right. So we would --- if the well is in the right of way, ---
Q. Uh-huh.
A. --- we would work with the landowner to relocate it to a place where it would not be affected by right of way activities.
Q. Okay.
A. If there is an existing well that is outside of the right of way, say, I think like one of, maybe Ms. --- it's Ms. Gruber has a well relatively close to the right of way edge. Our best practices would be to not apply herbicides within at least 50 feet, even if that is not required.
Q. Okay. I think this is --- so this might have been more appropriate for Mr. Givens, but we're here now, so.

There is some concern about --- during the construction phase about damaging wells, not just during the operation. And particularly in this part of the state --- you're familiar with karst topography; correct? And so like, it could be very --- it doesn't --- it might not take much to damage a well. Is there any sort of --- what's the plan to ensure that wells aren't damaged during the construction? Would you be willing to have some sort of pre and post construction testing done of people's wells if they would request that?

A. So you're right. That would have been a good question for Mr. Givens, but since he's already testified, I'll do my best to answer what I am aware of at a high level.

Q. Okay.

A. So typically, impacts to wells and groundwater would be addressed through the construction permitting process. I think at that point in time, in addition to development of the groundwater protection plan, that's when the Company would determine whether it is appropriate --- it may very well be in this case to do the type of testing that you're --- you're describing. That --- that's about the extent of my knowledge on that topic.

ATTORNEY AUVILLE:

Okay, thank you. That's all I have.

CHAIR:

Ms. Wilson. Mr. Head.

ATTORNEY HEAD:

Thank you.

CROSS EXAMINATION

BY ATTORNEY HEAD:

Q. Good morning.

A. Morning.

Q. I'm going to kind of go backwards because what you were just speaking about, Mr. Auville --- as far as the landowner specific requirements that you mentioned, are those placed into the written easements or like to the right of way agreements that you sell or, I'm sorry, that you sign?

A. Yeah.

Q. Okay, they are.

A. Absolutely.

Q. And briefly about the Staff proposed condition 13 to require NEET MA to buy homes within 400 feet of the center line of people who wish to sell. Your --- your answer there in your Rebuttal left that part out and I didn't know if that was intentional or --- or unintentional. But do you understand our --- our recommendation as be required to purchase properties

within 400 feet of the landowners who wish to have the properties purchased? Not --- not a mandatory purchase of all properties that close?
A. Yes.
Q. And did you state earlier that when --- when --- when you do typically purchase properties or offer to purchase properties, it's because the owners ask the owners to bring it up first?
A. I mean, our goal is to understand the landowners, what's important to them. So I think in a lot of cases, it would be presumptuous to assume they want to sell us their whole property. So, again, that's why it's so important for us to be able to sit down and have those conversations.
Q. Sure. No, I appreciate that. So how is it really that different, though, I guess, is --- is --- is what I'm getting at. If --- if our proposed requirement is that, you know, within 400 feet, if they wish to sell, you buy them. I mean, if owners or if property owners bring it up now, that's --- that's already on the table, correct, if ---?
A. I'm sorry. Can you repeat the question?
Q. Before --- before we were talking about --- or condition 13. You --- you had said earlier that when you guys typically buy properties, it's not brought up by the

land agent. That's not --- you don't presume they want to sell. It's when the owner brings that up is typically the --- the reason that that's discussed and properties are purchased by NEET MA; is that correct?
A. Yeah. I mean, the way those conversations would usually go is we would present an easement agreement to them, and then typically they'd say, well, you know, I have a tenth of an acre property and you're taking half of it. Why don't you just consider buying it? And, you know, that's how we would start to really have that conversation about how their property is impacted.
Q. So you do end up with some real estate on the back end of some of these projects when you end up purchasing properties, right?
A. Right, but not to the scale that may be required if it was a requirement. That's correct.
Q. Do you think that that requirement would result in more people wanting to sell their properties?
A. I think it might, yeah.
Q. Okay. And if you mentioned this earlier, I --- I apologize. A lot of my questions I --- I was deleting, as they were asked by other --- other folks. What's your understanding of the status of eminent domain for this project right now?
A. We do not currently have eminent domain authority.

Q. Oh. If --- if this project's ultimately approved and constructed, will the landing --- the land agents that are assigned to the individual property owners, will they remain points of contact for the landowners after completion of the project, or is there a, an endpoint where they stop talking to the land agents and --- and communicate directly with you or how does that work?
A. I mean, it tends to be some combination of that. For example, I have landowners calling me that I work --- for projects I worked on ten years ago, and then I do my best to put them in touch with whoever is currently managing that project. We retain agents dedicated to the project through restoration. We do reduce the workforce once, you know, acquisition is complete, just for prudency.
Q. Sure.
A. Many times if those agents are high performing, we move into them to other projects. So we still have lines of communication with both them and any vendor agency. But, you know, years into operations, typically there would be somebody from my land team on call that works with the operations team. But oftentimes, the hotline is the best and most efficient way to contact us.
Q. Were you watching yesterday when Ms. Heater testified about the routing study? I believe there were

some questions about whether it was conducted, you know, mostly on the ground, but I think she said it's typically done with --- with desktop materials like maps and satellite imagery.

A. Yes, I was watching.

Q. Is that the same --- like, are the initial contacts between land agents and landowners typically remote, like phone or email, or they in person? Could you explain a little bit of that?

A. Sure, yeah. So it's a good question. It could be a couple of things, right. So in the case of MARL, there were open houses that occurred prior to us initiating any direct agent to landowner conduct --- contact. So they may have had interactions with our --- our acquisition team at those open houses. Typically what our process is, is to send an informational packet in the mail and then follow up with a phone call and then typically follow up in person if needed.

Q. Okay. So it is --- it's normal for them to want to meet them in person, I assume, once --- once the relationship's established to go actually see the property. Is that ---

A. I think ---.

Q. --- that fair?

A. Yeah. It's the best way to really understand who

somebody is and what's important to them.
Q. Sure. And then the last thing, it was something I brought up with Ms. Heater yesterday that had to do with the landowners involved in the route revision three.
A. Uh-huh.
Q. Do you have more details about that as far as the timeline for notification to them?
A. Yes.
Q. Yeah. Rather than me ask a whole bunch of questions, I mean, if you have a narrative, I'd like to hear it.
A. Yeah. Let me --- I can tell you high level what --- what I --- my understanding of the timeline is. So we were in discussions with a landowner who at some point sold his property to another landowner. In January when we submitted our application --- I think Ms. McCormick testified to this to some extent. We were required to submit a list of landowners that would receive notices, and that list was based on the county tax assessors records from the previous month. At that point when the list was created, the tax record had not yet been updated to reflect that sale. We were made aware of the transaction of the change of property, I believe, in April, in mid to late April. It took us a little bit of time to confirm through title that that change had

occurred. We also learned during that time that the new landowner, I think, as we've talked about in this hearing, had started construction on a house. So our team started to look at alternatives that would lessen or mitigate the impacts to that home. That can take us a few weeks. We wanted to be able to go to the landowner with some options in hand because obviously if you have a house that's impacted, your first question is going to be what are you going to do for me? So we wanted to have some ideas about how to manage that. And then the landowner was noticed, as I think Ms. Heater or Ms. McCormick testified, in June. I would also note, however, that that newly impacted landowner, we have come to an agreement and have signed an easement agreement with that landowner.

Q. Okay. So the --- the house is still being constructed or was constructed?

A. Yeah. My --- my understanding is that we did a reroute to move the line further away from the home. And so the landowner had --- was --- was okay with that, signed an easement agreement with us and is able to proceed with his --- his building as planned.

Q. Do you happen to know the --- the location of --- of the house that was being built? Was it within the right of way? Like could --- could it have been built as is

without moving the line or ---?
A. I'm sorry. I don't know the answer to that.
Q. Do --- when you said they were --- they were notified in June, was that --- was that through the land agent or are you --- are you referring to the July 30th route revision filing when they were notified, I guess, officially or --- or were they contacted earlier than that?
A. So I don't have the contact log memorized, but my understanding is there was at least a preliminary conversation with the landowner prior to the filing. So when they received the notice, they were aware of the project.
Q. Sure. Just the last quick line of questioning. I understand what --- what --- what Ms. Heater said about, you know, where they use, I guess satellite imagery to --- to do the routing study. And I guess the satellite imagery they were using was not quite up to, you know, current day, so they didn't see the house under construction. Is that --- is that something that happens typically in these projects? Are there --- are there construction going on that's been going on for a couple months, but it's just not on the Google maps yet or ---?
A. I mean, that's certainly plausible, right. The land changes all the time. And again, I would --- I probably

sound like a broken record, but that's why it's so important for us to be able to get on the property with the landowner so that we understand fully the characteristics of their land.

Q. Sure, sure. That --- that was my --- my last question really was is there overlap, I guess, with the land agents? Do they do any on the ground, I don't know, like drive-bys or things like that during the routing study? I mean, it seems like that's something --- well, I can --- I can share with you, we spoke to this landowner and he had mentioned that --- that they broke ground, that there was, you know, some construction was going on back in November of 2025. So it seems like, you know, if there had been some people on the ground or, you know, the land agents had been out there earlier, they may have noticed the apparently a fairly large house that was being built underneath the transmission line. And you know, Staff --- Staff appreciates that you guys were able to come to an agreement with them. But it just --- it seems like it's typically something you would have wanted to catch, I guess, before the application was filed.

A. Yeah. I mean, to your question, there absolutely are on the ground surveys or drive-bys as we describe them, right, done from public right of ways. The routing

team, the environmental team, the engineering team participate in those. I can't speak to this specific circumstance. There may be just a timing discrepancy between when the initial route was driven and when that preliminary route was developed. I do know in West Virginia, as someone pointed out earlier, there is a very heavy amount of tree cover. So it was a particular challenge for us to determine the type and use of a lot of the properties because you can't see through the forest. But again, you know, as we're developing the route, we really value impact from landowners. So if there is something that we miss, because it is constantly changing, the best information we can get is from the landowner themselves.

ATTORNEY HEAD:

Okay, thank you. I have no further questions.

CHAIR:

I think we'll take a 15 minute break now and then we'll come back and finish up with this witness.

SHORT BREAK TAKEN

CHAIR:

All right. Now, we're ready for Interveners to --- yes, sir. You may step up.

MR. HAYNES:

Thank you, Your Honor and Commissioners.

CROSS EXAMINATION

BY MR. HAYNES:

Q. Hi, Ms. Powers.

A. Hi, Mr. Haynes.

Q. You have a really, and I'm not just saying this to be saying it. You have a really impressive and varied background. One of the most interesting things is you were a seasonal park ranger way back when and --- well, not that long ago, at Yosemite.

A. Yes, that's right.

Q. So I was wondering if you could write me a letter of recommendation.

A. I may know a guy.

Q. So I wanted to go back to this ---.

CHAIR:

Do you want to give your name again, please?

MR. HAYNES:

Oh, I'm sorry. Mark Haynes. I'm a Hampshire County landowner, yeah.

CHAIR:

Mr. Haynes, before you get started, would you tell us a little bit about your background?

MR. HAYNES:

Well, I came out of environmental world, if you will. Maybe some similarities to a couple of witnesses here, but I spent most of my --- I was --- worked in --- as a staff on the United States Senate Committee on Environmental Public Works. And then I was basically sort of in the energy world, primarily in the nuclear world for close to 30 years before I retired, so.

CHAIR:

Well, that explains your knowledge. So thank you.

MR. HAYNES:

Okay. It's a little, yeah oddball background.

BY MR. HAYNES:

Q. So of the --- so I was asking questions yesterday about forests. So I wanted to --- that's one of the topics I want to get into and groundwater recharge and so on. Do you know how --- so there are 279 properties that will host this line if it's approved. How many of those are --- do you know how many of those are wholly or part way forested?

A. No. And I mean, I apologize, Mr. Haynes. Despite my pedigree environmental background, that would have been in Ms. Heater's scope of testimony. So I'll do my best, but I'm not the environmental expert here.

Q. I think what --- okay. I used the term yesterday ecosystem services, which is --- you --- you know what that is, right?
A. Yes, sir.
Q. Okay, good. And it wasn't understood at the time and probably shouldn't have used it in the first place, but it's basically kind of the goods that a particular ecosystem provides, free goods, so to speak, for people, you know, really. Could you give some examples of the ecosystem services that forests provide?
A. Again, I'm sorry. That's ---
Q. Okay.
A. --- that's out of the scope of my testimony.
Q. Okay. Would ecosystem services out of the eastern forests include groundwater recharge and flood control, for example?

ATTORNEY PRESLEY:

Objection, Your Honor. Ms. --- mA. Powers made it clear that she's not the environmental --- despite her background, she's not really in the position to answer these types of questions.

BY MR. HAYNES:

Q. Okay. So you don't --- would not know the answer to that question?
A. Not my capacity as a witness ---

Q. Okay.
A. --- on this project, sir.
Q. All right. So there will be --- would you agree that there are going to be some substantial amounts of forest cut as a result of these transmission lines?
A. I think Ms. Heater testified to that specific amount.
Q. I think she said 1,000 acres.
A. Something like that, yeah.
Q. Will the removal of those forests involve heavy equipment?
A. I'm so sorry to keep telling this. So Mr. Givens is the one that would be able to testify, but I --- I mean, I do believe that there will be some mechanical removal for us.

CHAIR:

Mr. Haynes, I've allowed a lot of leeway here, but this is Cross Examination of her testimony. So could you focus your questions on her testimony, please.

MR. HAYNES:

Yeah, that's --- and --- and I, as a amateur in this and somebody who's not been paid and somebody who doesn't have time to go through all of this testimony, which is expansive, it's a little difficult for folks like me that are just mere Interveners to do

that. So I apologize for my questions, which may not somehow be covered, but one would think that these are questions that, you know, are relevant to people. I know there are a lot of people that are concerned about their forest and groundwater and stuff, and maybe not have read the testimony. So that's --- that's part of the reason I'm doing this. So can I be excused in that regard?

CHAIR:

Yeah, proceed. But just try to focus on her testimony.

MR. HAYNES:

Okay, all right. But these are questions about the impacts to people's land and I thought that was in her wheelhouse, so to speak. So I apologize if I'm wrong on that.

CHAIR:

Well, go ahead and ask the questions ---

MR. HAYNES:

Okay.

CHAIR:

--- and if she can't answer them, she'll tell you.

MR. HAYNES:

All right.

BY MR. HAYNES:

Q. And would you agree with the statement --- and actually, it's already been covered here, the issue of compaction of soil and that's been mentioned, so I just want to maybe put a little finer point on that. So during the remove, many people --- I mean, because West Virginia is so highly --- such a high percentage of West Virginia's land is forested, and no doubt lots of people's properties have forests on them, there's going to be, as a result of the removal of forest, would you agree, compaction of land and formerly forested land?
A. I know --- I mean, I'm going to do my best to tell you what I know.
Q. Okay.
A. I know that as part of our engineering practices --- again, unfortunately, this isn't helpful because Mr. Givens has already testified. Our engineering teams do prepare the site to minimize soil compaction. But I could not tell you either way whether there would or would not be.
Q. Will the --- so setting aside the issue of force, just the mere construction of these lines will, if they're approved, will involve heavy equipment. Is that true?
A. I would assume so, but I would need to confirmation from the construction team. You know, Mr. Givens

described the --- the structure installation and I would assume that's the case there.

Q. Yeah, okay. And that equipment might also be having some substantial compaction impacts on the soils?

A. I don't know, sir. I'm sorry.

Q. Okay. Would --- I'm going to try this question. I think I know what you're going to answer, but is it the case that compacted soil does not absorb as much rainwater as uncompacted loose soil like you would find in a forest?

A. I assume you know the answer to that. It is out of the scope of my testimony.

Q. Okay, all right. So if that were true, if --- because groundwater comes, of course, ultimately comes in almost all cases from surface water being infiltrating down through the surface into the groundwater and that's where people's wells are placed. It might be the case, you think, that the soil compaction may, as a matter of course, in the short term or long term, impact people's wells, either the recharge rate or the quality of their wells?

A. So my experience with soil compaction is largely limited to cropland. I don't have any experience with impacts to groundwater. It's not my --- it would be a construction environmental question.

Q. Okay. Different topic.
A. Great.
Q. Maybe we'll --- are you familiar with invasive plant species in general?
A. I'm familiar with the concept.
Q. Okay. They were sort of addressed a little bit earlier by the Consumer Advocate Division folks. Are you familiar with what happens when land is cleared, certainly in this part of the country and you have bare soil, what --- what happens in terms of --- frequently in terms of invasive plant species?
A. So, again, that's an environmental question. It would be out of the scope of my testimony to speculate on that.
Q. I think that it sounded like that was sort of being touched on that --- about plant species control earlier in this. So I think the implication might have been, would you agree, that when you make changes to the land, that changes to vegetation. possibly quite a bit, maybe most specifically in terms of invasive plantation species?
A. So to clarify, I didn't make any assertions about changes to the land. I was coming at it from an operations perspective on instances I'm aware of where it may be appropriate to use herbicide if there is an

invasive species present. That's sometimes the way that we control, you know, invasive species. But as far as, you know, changes to the ecosystem following clearing, it's not something I can speak to.

Q. Okay. Two other unrelated questions, if I could, just about rights of way. Are fences of any kind allowed in transmission line rights of way?

A. Yeah. We actually have right all over the country that has fences. At like a high level, we typically will work with a landowner. We need to make sure we have access. So we'll work with the landowner on gates, like sometimes we'll daisy chain lock, something like that. But oftentimes, right, and as long as it complies with clearance requirements, there are fences and gates inside of our right of ways.

Q. Okay. So people have a way to control --- would have a way to control potential trespassing and so on?

A. Right. And one of the places where we use it a lot, as Mr. Evans kind of alluded to yesterday, is with cattle. So yeah, we definitely have that precedent working with landowners with gates ---.

Q. That was probably a dumb question, but I had to answer.

A. No, sir.

Q. One last question. Do you think it is true that

many landowners place sort of an incalculable value on the rural character or the forested character of their land?

A. I know that's true.

Q. Yeah. Certainly there are a lot of people absolutely apoplectic about the prospects of these demands. So when transmission lines go through and the character of their land is completely changed and maybe even the reason they moved there, do you think that the appraised value of the property that you all use to compensate landowners on a one-time basis captures that value that landowners have?

A. So one of the things you might have heard me say earlier, right, is that the appraised value of an easement is typically much lower than the fee value. So that is one of the reasons that we pay, at least attempt to pay fee value. I think one of the really hard things about a project like this, the reality is there is a human element to this that's very hard to quantify. And in order to make sure that we are making decisions that are fair, we try as much as we can to rely on data and facts and, you know, individual characteristics of the property. But I --- I think it would be disingenuous to say that there are not impacts. There are and we do what we can to make it right and make the landowner feel seen

and heard. And where we're not able to do that, we --- we do so regretfully.
Q. And that --- and there is, as was discussed on Monday a little bit, there are a lot of --- so there's 279 hosts of these or would be. But there are a lot of people that are adjacent, a lot of landowners that are adjacent that would also suffer impacts, you know, to what they consider sort of the precious, uncalculable impacts to their land. Is that the case?
A. So I'm going to kind of repeat what I said earlier and I think a little bit of Ms. McCormick's testimony. Typically, our approach has been to focus on people who are directly impacted by either the right of way or the construction. I don't have --- again, going back to, like, what we can --- what we can do that's prudent and try to make as objective decisions as we can. I don't have data that tells me that there is a universal impact to people that are, for example, adjacent to the right of way. What I would tell you --- and I am familiar with your property since you've been here all week, I had an opportunity.
Q. I'm not talking about my property.
A. We want to have the conversation with you and you know, I may not be able to give you the answer that you want, but I will tell you the truth. So we're willing to

have those conversations.
Q. Well, at least my property is like the least of the concerns here, really. And that's not why I'm asking these questions. But anyway, it is true that those people, I --- I guess, correct, basically won't be monetarily compensated there?
A. That's correct.

MR. HAYNES:

Okay, that's all. Thank you.

CHAIR:

Next Intervener, please come forward.

MR. LANTZ EVANS:

Thank you, Commission. Ms. Peters (sic).

CROSS EXAMINATION

BY MR. LANTZ EVANS:

Q. My name is Lantz Evans. I'm out of Hampshire County and I am an affected landowner. Ma'am, you're doing such a tremendous job of answering questions that crazily off the wall. You might think about bidding on another position because you're good at what you're doing. I was really tickled to hear about your training of your land agents and hiring agents and putting into a training and that --- that was going to be one of the questions. Are you familiar with a Scott A. Carver?
A. I am. He's a --- he's a NextEra employee.

Q. I was involved in a meeting with him with a neighbor of mine back last fall and I found conflicting information to what you said a little bit ago. He specifically said several times that NextEra did not buy property. And from what I understand from your comments, you do buy property; correct?
A. That's correct.
Q. Okay. Maybe you need to send him through training. I don't know. And I'm glad to see that you had the optional transmission agreement. Apparently you have that with you. If you could look at the first page, the second whereas. It says Grantor desires the --- to grant and convey the Grantee the option to acquire certain easements including without limited excessive easement to erection, install, maintenance in certain facilities of a transmission electric power; correct?
A. I mean, that's generally correct. I'm pretty familiar with our easement agreements.
Q. Excuse me?
A. I'm not sure which paragraph you're referring to.
Q. All right. It's the third one down, the second whereas.
A. Oh, got it.
Q. Grantor desires a grant to convey the Grantee and it comes down and says maintain certain facilities for

transmission electric power.
A. Yes.
Q. Okay.
A. I got ---.
Q. Okay. If you go to page two down to the number two, it's easements. And let me little caveat here. My background is from Columbia Gas Transmission. I was a middle manager dealing with right of ways day to day activities, yada, yada, yada. So I am familiar with --- with some of the stuff with right of ways. And down on the fourth line it says as used, the transmission telecommunication easement, access easement, construction easement and overhang easement collectively referred as easements. Now, when I read that, that tells me there's four easements, not one easement. How am I reading that correctly or incorrectly?
A. So I'm not a real estate attorney, but generally I would tell you that those are referring to rights for the type of use that is allowed within the ease --- the overall easement itself.
Q. Okay. The three of them doesn't crank my cookies very much. The transmission access easement, construction easement, I totally understand. The telecommunication easement, if you go down to A on that same page to the last word and then it goes to the next

page. It says telecommunications facilities shall mean all improvements of those who provide telecommunications service include telephone, closed circuit TV, microwave, internet, computer data and other telecommunication services related to the operation facility. That tells me as an old gas company hand that you're wanting second line rights. You're going to do two different projects, two different facilities on one tower. You're going to transfer electricity. Plus, you could do all this other stuff. Now, do I believe --- boy, this is too tricky. Do I understand that all that is under one just for your Company? I personally don't think so, but I'll let you answer.

A. Yeah, no, it's a really good question and we get it a lot. So, again, not a real estate attorney, but if you look earlier in the paragraph, there is a provision that precedes all of that that specifically says for the transmission of electric power. So to be very explicit, our transmission easements do not allow, and I think this is what you're asking, third party or for profit telecommunication. They do not allow it. We need telecommunication facilities so that we can monitor the line. The purpose of anything installed within that easement area has to be for the purposes of the electric transmission project. It does not allow us to do

anything else.
Q. All right. I just don't think the landowner's treated fairly as, again, I'm using my old gas company background. If we wanted to put a rectifier on, we had to have another right of way agreement. If we wanted to bury cable, we wanted to bury the second line, we had to get a second right of way. I --- I --- okay. You say that you don't need it. You say it's all covered under your thing. I guess we agree to disagree on that one.

If you go back to page 4C --- and before I start on this one, I did ask my right of way agent to remove this when we had discussions and he said I had a better chance of hitting the lottery. That's my terminology, not his. But he said he didn't figure that it'd even be worth asking the Company to remove this. But I'll try to get to the first part of it and I hope you --- I hope the Commission understands where I go here.

Any hunting on the property must be done in accordance with all applicable laws and standards and care and governing the use of possess of firearms, bows and other weapons on the property in a safe manner that does not interfere with the Grantees use of the property. All right. If you drop down to the next sentence, it starts with Grantor. Grantor agrees to the following restrictions regarding hunting and discharging firearms

on the property. One, Grantor will provide prior communications with respect to the Grantor and the Grantor's invitees hunting schemes schedule of the use of firearms on the property. Two, The Grantor shall not hunt or discharge weapons on the property. Others to hunt or discharge weapons on the property while the Grantee and the personnel is working on the right of way. I just shortened that up. My point, it sounds like that paragraph, you have total control over my and my wife's 220 some acres 365 days a year. You're telling me that I cannot hunt my property? I understand that you couldn't hunt your right of way. I mean, I get that and it's a safety reason. Totally understand that. But all that paragraph tells me that I have no control over my 226 acres of ground during hunting season. And it also tells me that I gotta call you and tell you who's going to hunt my property. In West Virginia, I'm sorry, that don't cut it. Hell.

A. Okay. So I --- I think a couple things. One is that it's really important for everybody in this room to understand that the form agreement is just that. It is a form. I don't think that I have seen a single easement agreement that it has not had some kind of modification at the request of a landowner. The intent behind the hunting provision, we don't want anybody to get shot. So

I have seen us modify that in ways that are more appropriate for a landowner's property. Like recently, we had somebody ask us to more or less like, put in the easement agreement a restricted area that they wouldn't hunt. We ended up going back and forth with them. I mean, if you have another idea of what would be appropriate for your property, those are the kinds of conversations we want to have with you. It is not our intention to restrict what you do. It is your property. We're not going to have people out there policing the property. We just don't want anybody to get shot.

Q. Totally understand. Totally agree. If you would use right of way instead of property, you probably wouldn't get a lot of kickback. To tell me that I can't hunt the right of way, understood. Totally understood. But when you --- when it's worded as it is, it pushes my hair backwards. I'm sorry.

A. Yeah, I understand. And I think as --- one thing I would say, right, is like most hunters are pretty responsible. Things like a rifle could reach far beyond the right of way. That's why the form text is in there, the way it's in there. But I do know that we have --- we deal with this issue a lot and we can understand how you use your property. We have, in most cases, been able to come up with some arrangement with the landowner where we

make sure that any crews that might have to be out there, like for an emergency without notice, are protected and the landowner has control of how they operate on their property. So I would tell you, like, let's continue to have that conversation and see if there's --- you may have some suggestions for us on how we can get better. Very happy to have those conversations.

Q. Well, again, I think the wording needs change. But you're the ---

A. We may be able to do that.

Q. --- you're the head --- so you're the head person, so that's up to you. Never mind. I'll leave that dog lie.

If you go back to page 12, the compensation agreement, one-time payments, B. Grantee exercise the options for one-time payment calculated by multiplying the per acre on each transmission line construction on the property, but shall be yada, yada, yada. My question from looking at the map --- and let --- let me ask this one right quick. The maps that's in the libraries, are they accurate?

A. So that's a good question and ---.

Q. I got one good one?

A. You have a lot of good ones. My understanding, and I would defer to Ms. McCormick to correct me if I'm

misspeaking, is that the maps that are in the library are the maps that were included in our initial application. So those are like an earlier, again, not an engineer's, right. Those are an earlier design phase of the project. As the project progresses, as we learn more about the properties, as we do more on the ground surveys, those maps develop and progress. So there may be other features that, you know, end up on the map that weren't in the original maps in our application because we simply didn't have that level of design detail. What my expectation is, is that the land agents are keeping you informed as those changes happen.

Q. Okay. But my --- well, one thing, I'll make a comment. We have T-Mobile now. Either it's your system on the computer or it's our internet system. One of them ain't worth a crap because to bring up your maps and to use them to try to find something out, it just don't happen. So I don't --- I don't know which one it is. Maybe I'm not computer literate. I don't know.

But anyhow, my point, it says per acre. As I review my property, I see that there's a lay down yard on my property which I wasn't told about. If I wouldn't have went to the library and pulled the maps, I wouldn't have seen the lay down yard. I see that every tower that's going to be on me, which is going to be three, you're

already showing on your maps that you very well could take extra property when you set that tower. My point is when's --- what do I --- what acreage do I get paid, in the beginning? Like right now, I think I got 9.6 acres that they offered me pennies for, so. But they didn't pay me for the --- the lay down yards, which isn't on the right way and the extra for the towers.

CHAIR:

Sir, could you explain to me what a lay down yard is?

MR. LANTZ EVANS:

Ma'am, it's where they bring in material to store it so they can do construction on a section of property. You know, maybe my three towers or the neighbors --- it just depends. They just bring it in, place to park the equipment, place to put the outhouse, whatever they need on the construction site ---

CHAIR:

Okay, thank you.

MR. LANTZ EVANS:

--- that's there.

BY MR. LANTZ EVANS:

Q. So if you pay me in the beginning, the 9.6, and you come in and put a lay down yard and you take extra ground for the towers, I don't get paid for that because I'm

only a one-time payment. Could you explain that one?
A. Yeah, for sure. Okay. So first of all, any ground that we use, we intend to pay for, right. Any ground we use, we intend to pay for. Typically, I wouldn't want to talk about an individual's property without, you know, with other people here, but since you're here and you're asking about it, my understanding of the maps that you were looking at, there may have been a bit of a misinterpretation. The areas that --- and I think Ms. Evans provided it in --- in your testimony, one of you provided in your testimony, is actually a pole area. So it's like a temporary workspace. It's not a lay down yard.
Q. That's what I'm calling a lay down yard.
A. Okay. So what would actually happen there is not storage of materials. When they're installing the towers in the line, they need some extra space. And again, I'm not an engineer, but to pull the line through. So it's a temporary impact area. We always compensate landowners for temporary impacts. I don't know whether that's still the case on your property, but I believe that's what you're seeing. An actual lay down yard where, you know --- and your description of it was fantastic, where you would bring in materials, store them, leave them there for the life of the project. Those are always separate

agreements. Like my easement agreement wouldn't let me -- they is no lay down information included in this easement agreement. We typically find another location somewhere along the line and enter into a separate lay down agreement with that landowner. But you should not have any directly impacted acreage that you're not being paid for.

The one caveat I will tell you, just to be transparent, is we typically pay a little bit less for temporary impacts than for permanent impacts. So that laid out area you're describing would be, like, typically we would offer a little bit less than the full easement value. Those are things that can be negotiated based on what impact that may actually have to you. So for example, if that pole area would prevent you from moving cattle or, you know, not being able to fulfill one of your contracts, we would want to have that conversation with you, so we understand. But that --- that --- I think that area that you're describing is really a pole area, not a lay down area, as we --- we would or my engineers would describe it and you should get paid for that.

Q. That's my point. And Commissioners, this is what I was hoping you would see on this one. If I would have signed the contract and taken your money and run, I

wouldn't get paid for that because it was never mentioned. It's not in my agreement because all the --- most of the agreements around the home was all the same and they all offered the same money around them because we do talk. And so I wouldn't have been paid for that.
A. So let me --- let me clarify something, right. So the --- the day you sign the agreement --- well, I guess, two things, right? So, please --- like I don't know, maybe I'm not communicating better and I would love an opportunity to do that. The form agreement you are handed is a starting place. It is not a, like, ending point. I see almost every agreement, if not all of them negotiated in some way, right. So our intention is to give you a starting point. The payment that you would receive on the day that you sign the agreement is the option payment and a signing bonus. Those are not based on an acreage. Those are typically flat payments.

The one-time payment B that you refer to, you would receive that when we actually execute on the option agreement. And at that time you should receive a Preliminary Exhibit B that shows a surveyed area of the right of way and any temporary impacts that may occur on your property, and that is the acreage that would be calculated for that one-time payment. So the payment that you receive on day one is completely separate from

the affected acreage payment. Does that --- does that help at all?
Q. I get that and I understand that and I think I have copies of Exhibit B. But it doesn't show your work area or I call it lay down or whatever. It doesn't show that on anything, but you've explained that. I get that. But anyhow, I didn't realize --- because the way I see it, as a country boy, if I would have took that money from you, that would have been all I would have gotten.
A. That is not our intention, Mr. Evans. Our intention is to pay you for what's affected.
Q. Do you agree that's what it says in the first sentence?
A. No, sir.
Q. Okay, good enough. All right. One last one. Find the page here real quick. It pertains to --- page 12. Back to the crop compensation.
A. Yes.
Q. I find it very unusual that you don't have anything in here on timber. but you did witnessed a little bit of that some time ago ---
A. Uh-huh.
Q. --- in your testimony. But my question is timber's whole lot different than raising a crop of corn.
A. Yes.

Q. My harvest, I'm under West Virginia Forestry Management Plan. I have a licensed forester that reviews my property all the time. My wife and I have cut timber the last couple or three years in different sections. My harvest time is 15 to 20 years. Most farms are bought to stay in the family for umpteen years. Let's throw a ballpark out there. You're going to live to be 80 years, 80 years old. So I'm going to cut that piece of timber four times in my lifetime. You're going to pay me for that ten acres that you're going to take once maybe. I have never been told anything about payment of timber on our property yet, but just say that I have. I'm going to cut that thing four times in my lifetime. You're going to pay me for it once. Once you take it, it's done. So I'm going to lose income for the next three cuts. Can you help me with that?

A. Yes. I'm going to tell you something that you may not like and then I'll tell you something that may help.

Q. Okay.

A. So, in general, I know you've heard me say this a couple of times, we try and compensate landowners for the easement area at or above the fee value. So if you were selling your land outright, that you would get for an outright sale. So on paper, if you sold your land, you would be giving away the rights to that timber. I

understand it doesn't help you in what you're getting at, so --- but that's the first step, right?. It's like we're saying we give you the equivalent to a fee purchase of that area.

The second piece is that, you know, this may or may not be the best example for West Virginia, but it is extremely common for us as we have conversations with landowners about what is appropriate --- if you were to have that conversation with me or my agent about lost revenue due to timber, most of the time, we would be able to put something into the agreement that compensates you. So instead of a crop compensation clause, it would be a timber compensation clause. You know, I've seen everything from having to buy people out of their contracts because they can't execute on them because of our activities. If you end up cutting timber early, you've mentioned you're in a BMP. You know, you may lose tax credits. We work with landowners to make sure that to the best of our ability, what you're describing where you're losing years and years and years of lost revenue, does not happen. I appreciate the optics of a crop compensation versus a timber compensation clause. But I would tell you that that is certainly available and we should have that conversation.

Q. Maybe this is my fault and I'll take credit for it.

I was handed this document and I think the words were, if you have any questions, call me. In my personal opinion, being a mid-manager, if I handed a document like this to a landowner, I would have to go through it individual sections at a time and explain. That's me. I didn't ask for that and I guess that's my fault and I apologize. Thank you for your time.

A. Thank you, Mr. Evans.

CHAIR:

Okay, next Intervener. Wait a minute. No, there's a lady in the back that has raised her hand first.

MS. HINRICHS:

I'm --- I'm learning from everybody, so I'll let her go first, so I learn more.

CHAIR:

Okay.

MS. HINRICHS:

Thank you.

CROSS EXAMINATION

BY MS. MAJOR:

Q. My name is Mary Major. I live in Hampshire County. I am not an affected landowner. I live directly next to an affected landowner. A few questions. So in Northern Hampshire County, there's a large number of Amish that

have moved into the community between Springfield Point, Slanesville, all areas that are affected by the model transmission line. Ironically, they don't have electricity, nor do they have telephones and often computers in their home. You have met notifying them in advance of when herbicides would be applied, sending a letter in advance, and then maybe two, three days in advance sending an email, telephone call. Do you have a plan on how you would notify these people that just don't have the modern technology to receive a phone call or an email?

A. Yes. So we actually have a lot of experience dealing with those types of communities throughout the country. Our renewable side of the house has a lot of operations in the Midwest. We would stop by. We would stop by to tell them.

Q. Okay. The hotline phone number and email you mentioned ---

A. Yes, ma'am.

Q. --- again, Amish don't have access to email. And quite honestly, internet infrastructure in parts of West Virginia and in my county are somewhat limited. And those packets that have been provided by the land agents to landowners, do they include that hotline number?

A. I believe our fact sheets do, yes.

Q. Okay. And then my last question, that --- the land agent who was fired, do you know, did he obtain any easement agreements with landowners before he was fired?
A. He did. I think there were two. But we did call those people as well.
Q. Okay. Because that was --- that was going to be my follow up. If so, did you review those ---?
A. We --- we talked to everyone.
Q. Okay.
A. Yes, absolutely.
Q. Okay. And I do appreciate your authenticity and your testimony and answering questions.
A. It's important to us to try to be a good partner all we can.

MS. MAJOR:

Thank you. That's all I have.

CHAIR:

Next Intervener.

CROSS EXAMINATION

BY MS. HINRICHS:

Q. Hello. My name is Deborah Hinrichs.

ATTORNEY HANNA

Make sure the light's on.

BY MS. HINRICHS:

Q. Oh. Hello. My name is Deborah Hinrichs from

Hampshire County. I am a landowner that is not in the direct line, but I am as close as the Chairman is to me to the line. So I feel like I'm affected. I guess I wish I knew more --- which people to ask the questions to in terms of the impact on our land. The --- the transmission line will be directly above my property. I should be able to see the tower easily. All of the --- there is no road to this. So a road will have to be constructed in order to put this transmission tower. Where it would be constructed affects all of the streams that come down to my property and fill my pond and --- in which I swim in almost every day. Not quite right now, it's a little cold, but --- and it affects everything about how the property survives.

So the --- one of the questions I have is I am not --- I don't get any of this information that these landowners are getting, even though I'm as close as that to what will be happening. I have not gotten any compensation ideas or anything because I --- I imagine I don't --- I don't get any. So is there any rights that I have to make sure that herbicides are not placed on the property right there, that all the runoff will come right into my property? Yeah. I just need the watershed issues and the compression issues of the new road and a --- and a line would directly affect me and I don't know

what rights I have.
A. I wish that I was familiar with your property. I'm sorry I'm not. I would say --- I would say a couple things and you can tell me if this is helpful or not helpful. The first thing is Ms. McCormick back there in the green shirt has cards with our contact information on it, so we can follow up with you. I would encourage you to go pick that up, give us a call or send us an email. When I tell you that landowner concerns come directly to me, they do. I can't promise that I would be the one directly to follow up with you, but somebody will. So I think the first thing is to sit down with you and take a look at your property and see what you're describing, right. Like I --- it's --- I --- I don't have a lot of information to be able to give you good feedback on that. The best way to do it is to sit down with you. I mean, we've had landowners walk the property with us so we can understand the impact. So I think that would be the first thing.

Again, I'm not --- I have to give you the same answer I gave Mr. Haynes. I'm not the environmental expert. We do have --- and we can make sure, especially if you reach out to us, that you get a copy of this. We do have a groundwater protection plan that we will be developing as part of our permitting and application

process. Again, without knowing the specifics, that's as much detail as I can give you right now.

The other piece I will tell you, you know, just transparently, typically our notices for things like herbicide are for the landowner in which that herbicide would be applied. So I think you're right in that case that you probably --- unless there's some local requirement for us to notify people outside that area, I think you're right. You probably wouldn't get a notification of herbicide application on a neighbor, just like you wouldn't if they were doing it on their own property.

Q. Is there any way to request only hand cut in the property that will affect my property, that it doesn't get used?

A. So, I mean, again, the reality is that you don't necessarily have rights like that over your neighbor's property. Those are always conversations that we have. Our very strong preference and practice is to not use herbicides because our responsibility at the end of the day is to make sure that the line is operated in a safe --- a safe manner and a reliable manner. Typically, unless there is --- and there may be in your case, I just don't know. Unless there is, like, an environmental reason that herbicides would be precluded, we typically

want to reserve that right just in case. We don't know what the property will look like in 20 years. Like in case there's, I don't know, some kind of emergency. I'm not an environmental expert. But normally, we would try to preserve that right just to make sure that in all cases, we can operate the line safely and reliably.

Q. My neighbor runs a --- a hunting on his property and I --- I can't imagine that he would want it affected. I did a little drawing of the tower right on my property, on a photograph that I took of my property, what it would be like and --- and the --- and the --- the depth of the clear --- the clearing that would happen on the property. Just to give my sense of self --- my sense of self --- myself a sense of what --- how I would be affected. I guess I just feel like I'm representing every person who is close to these properties. As I said, from the Chairman to me is about how far. I am not in the loop. So I just want to speak to the Commission and I thank you for listening and asking good questions and I thank the WATI lawyers for asking questions. I feel like I don't really get the information, nor do our neighbors who are close. So I appreciate everything that's being conducted here, that we can speak up for ourselves and try to get clear what really are and aren't our rights.

A. And one thing I might offer. We do have, like, a

mailing list that, you know, if you get in contact, get the card from Ms. McCormick, you can sign up for it on the website or we can have you added to it, so that you do get project updates as well.

Q. I --- I appreciate that. I don't know if maybe right now I need to get a sampling of my well and my --- my water supplies. As I said, your line is going to go right across all of the streams that feeds me and will completely --- I don't know if you're going to do ducts for the water to flow again or if you just, you know, erase it and it goes into other properties, won't even make it to my pond. I don't know any of those things are going to happen to my situation. And I --- I guess I don't know in legal terms how to address any --- any of these questions. So maybe get some samples of my water and then later I'll say, you know, look what you did. I don't know.

A. The one thing I would just tell you, if you're open to it, we would love to have a conversation with you so that we can give you a better idea of what the construction plans that, as we know them today are to give you a better idea of what will be happening around you. That's a conversation we would welcome.

MS. HINRICHS:

So I know, but can I make it end? Okay.

Thank you. I appreciate everybody and --- and the Commission and speaking up for everybody who is impacted.

CHAIR:

Are there other Interveners?

ATTORNEY HANNA:

You got one online.

CHAIR:

Okay. And we have one or two online. Well, it's time for our lunch break, so we will take our hour lunch break. And I just want to make sure, Mr. Callas, that after we finish with the interveners and the Commission, we will have Dr. Deskins. Is that still convenient for his schedule?

ATTORNEY CALLAS:

Yes, ma'am.

CHAIR:

Okay, thank you.

ATTORNEY CALLAS:

Thank you.

SHORT BREAK TAKEN

CHAIR:

Back on the record. Next Intervener. Okay. You may come forward.

MS. BROOKE-ALT:

Good afternoon. I'm Donna Brooke-Alt from

Mineral County. Good afternoon, Chairman Lane and Commissioners Raney and Larrick and Ms. Powers.

CROSS EXAMINATION

BY MS. BROOKE-ALT:

Q. As I said, I'm from Mineral County. I live on a small dairy farm in Fort Ashby. And I guess when I got the postcard I started working on this right away and attended open houses. So I'm going to go back a little bit to the property tax question. And one of the things that I learned at the open house is --- talking to Ms. McCormick is that benefits --- and I started looking into the --- into the benefits she was listing that we would be receiving within the counties in the state from the --- this MARL line. And she stated that $133,000,000 property tax and I thought how do I confirm that? And there were several of us that put our heads together, tried to figure out the math to come up with that we could not. I called my county assessor and asked --- and I guess I should step back just a second. A lot of what I have to come from because I'm not a host impacted farmer, but I am on the edge of the MARL line. But I do have Potomac Edison towers running through my farm. It splits my farm with five towers. So I do have that historical familiarity with the power lines and the towers.

So I called the assessor and I asked what historical values were put on the property taxes that came in from those towers. And I've known the assessor for a while. So she took my --- my question legitimately and she said --- stepped away from the phone and looked it up and she came back and she said I'm gonna have to get back to you on that because I don't know the answer to that. She came back and she said I really don't have a line item with that amount. I'm not getting any property taxes in from those towers. Now, these towers are aged out. And so she looked back as far as she could. She could not find a line item stating the amount coming in from these towers. Different towers, true, different time, but there's no line item.

Can you educate me on what she might have missed, what I might have missed in my research in trying to educate myself on how we come to $133,000,000 in property taxes coming into the counties are affected by MARL?

ATTORNEY PRESLEY:

Objection. I don't think that this witness can speak to what an assessor in a county may have missed in terms of her explanation about property taxes to you. And I also object on the basis this is beyond the scope of her testimony.

CHAIR:

Well, she may --- she can try to answer it if she can. It's a good question.

A. Yeah. I --- I can't describe how they would have calculated property taxes. I'm sorry. That would have been probably something Mr. Boykin would have been more appropriate for.

BY MS. BROOKE-ALT:

Q. Okay. Let me rephrase that. So maybe it's not how they calculated it. It's that will this be a line item for our counties to be able to say yes, this is income coming from this MARL line?

A. I'm sorry, Ms. Brooke-Alt. I --- I don't know the answer to that.

Q. Okay, all right. Well, thank you for that. I do have some other questions. That question was --- was on my mind. And like I said, for over a year, I've been trying to figure out how that is going to happen. And after listening to the testimony, I still can't figure out how that's going to happen, but -.

So my second question. So, like I said historical familiarity with Potomac Edison and I do have a dairy farm with five towers going through our property. In your testimony, you --- you wrote in there most farming and ag operations can continue safely, including livestock, hay pasture, land grazing, hunting, etcetera.

We have one of the last dairy farms in the state of West Virginia. My dad bought the farm about the same time that Potomac Edison put in the towers that are in there. I was a young girl. Don't know all the particulars at that time, but over the years, we've been able to continue the cropping, as you stated in your testimony, that can happen. And we have used the pasture land, which the towers go right over our pasture land. The cows graze underneath of the towers. Over the years we've, especially at one point in time, we had a lot of abortions happen within the herd. And we called in our vet and he called in other vets. We called in the West Virginia Department of Agriculture and they did testing on our stray voltage. And our dairy barn is 488 feet from the center of the towers and so 388 feet from the right of way. And we had enormous stray voltage affecting the cattle at that time. That is the only thing that we could figure out that was causing the abortions happening within our cattle, according to the vets and the Department of Agriculture. Potomac Edison told us that there was nothing going on there. There was no stray voltage, and especially at that distance, it couldn't have been stray voltage. But we had numbers to prove it at 388 feet.

If something like that happens, I've heard testimony

from a couple and within yours also that concerns like this would be mitigated. What would be done to help us alleviate our --- our issues with the stray voltage that was appearing at 388 feet from the right of way edge?
A. So I do want to start by saying I'm not the right witness for stray voltage. And the good news is those people are coming up, so you can ask your questions there. What I can tell you in general, when a landowner --- and there have been a handful of incidents that I'm aware of where a landowner has contacted us. From a land perspective, we would engage our engineering team and typically go out to the property. A lot of times stray voltage is an engineering issue. And so we have typically been able to resolve those issues through engineering solutions. That is the extent of my technical knowledge on how we would deal with it. But we do take those types of inquiries seriously.
Q. I appreciate that and I do appreciate your testimony today. You've been very thorough with your answers. But you did state that it would be safe for my animals to be under. That's why I brought it up to you, so thank you for that.
My friend, Mr. Evans, had brought up about another neighbor that has a house that is within the --- just slightly off the right of way and he was not offered any

money for his house. And he asked that question and was said, you know, told --- and you'd already replied to that and I appreciate that. But I have another friend that it's going over chicken houses and he's going to buy --- they're going to pay him for his loss of the chicken houses. So I wondered why one chicken house can get purchased but not a home that people live in.

A. Yeah, so good question. I'm not familiar with the specifics of either of those incidences. It sounds like to me that the chicken houses were within the right of way, so they would have violated the minimum clearance requirements for safety in the cases --- and that's true of like barns and stuff, too. So we will relocate facilities like that, that could not continue to exist if the right of way was there. We'll --- at our expense, we'll relocate. That sounds like the situation with the chicken house. Whereas in this case, and you know, Mr. Givens can correct me if I'm misspeaking, the facilities that we know about, the structures that we know about, the MARL line and the right of way are designed to accommodate those. So my guess is without knowing the specifics of the incident with the house that the house does not violate any of those safety requirements.

Q. It is outside the right of way, ---

A. That --- that would be my best guess.

Q. --- the house, but just barely.
A. Yeah.
Q. So thank you for that. And then my final question. You had said something about herbicide spot spraying, that that's --- you tried --- that NextEra does not do aerial spraying, but you do spot spraying with herbicide. On some of the locations, how do you get into spot spray on the ground? And I'm --- I guess I'm referring to because of historical familiarity with Potomac Edison and what they do. The line's been there for 50 years, and until recently, like, within the last six months or eight months, we didn't even know they were on our property spraying, trimming, whatever it was. So you say that you have a maintenance, an annual maintenance program that you do and you let your customers or your landowners know. So that's the case? You let us know if you had to come in and do aerial sprays or if you had to do spot sprays or how does that --- how does that work?
Q. Yeah. So we have --- we have no plans to aerial spray in practice. We have not done that. I mean, and largely our preference is not to use herbicides whenever possible. In many places, and I don't know the, you know, the specifics in your specific county, but if we are going to use herbicides, oftentimes there is a reporting and notification requirement anyway, in

addition to what we would normally do. But we typically try and let landowners know when we're going to be out on the right of way, regardless of what activity may occur there. There might be instances where there's an emergency room maintenance issue. And even if we, in those cases, if we've had to access the right of way on short notice, we'll typically call and let them know that we were out there. Usually in the case of herbicide spraying and generally in the case of maintenance --- and somebody else asked me about this, and I don't --- I don't recall who. We would typically want to send a letter, right, because our work plans are on an annual basis. So, we would generally know when we would plan to be on the property. We want to send a letter a month or so out, and then closer to within a week or so of actually having to access the property, we would typically follow up with a phone call.

MS. BROOKE-ALT:

Okay, thank you. That's all the questions I have.

A. Thank you, Ms. Brooke-Alt.

CHAIR:

Next Intervener. Thank you. Yes, sir.

MR. WOTRING:

Thank you, Commissioner Lane, fellow

Commissioners, and Sarah. Gave really good testimony so far.

CROSS EXAMINATION

BY MR. WOTRING:

Q. My name is John Wotring. I was the proud recipient of this letter. And also for the record, it's in my testimony, but my wife, my son and I, that's three that make my family up, we have three different properties all in Hampshire County, West Virginia. I should have mentioned I'm a resident of Hampshire County. Two of those properties are already impaired by high transmission power lines. This would be another power line, the MARL, along with the Hampshire Gore line because it parallels in our property. That would be a third power line running through our three properties. And also, it looks like I'm going to be an Intervener in the Valley North proposed transmission line, which is scheduled if line A comes through, would be a third line hitting the mountain tract of our farm, which is the subject of this, or if one of the northern lines is selected, it would hit our third property, the last property we have that doesn't have a transmission line on it. But I say that simply as background to the questions I have here.

And you'll have to forgive me, I'm just an old with

not a lot of knowledge about stuff, but I'm sort of confused by the whole process from the standpoint of why would NextEra Energy go out and offer these lease options or potentially purchases to landowners when the Public Service Commission hasn't even ruled on a certificate of convenience and public necessity yet. Is there some strategy behind that as to why you do that?

A. Yeah, it's a great question. I mean, the primary -- - so I think a couple things. So the easement option, there's a difference between a straight easement or purchase agreement and an option. So an option is, you know, you get a smaller amount up front and then depending on how the project proceeds, you may or may not proceed with the full, effectively purchase of the easement. We do that for a couple of reasons. First is we want to understand how the community feels about the project. It gives us an opportunity to interact directly with the landowners. It gives us an opportunity to understand, you know, requests for things like reroutes, which we may or may not be able to do, but understand how the property is impacted. It also gives us an opportunity to show the Commission that we have been engaged in the community. That's really important to me on the land side is that we're out talking to people, even if people don't agree with us or oppose us, that

we've had those conversations. That's really the strategy behind it is, you know, to be able to have meaningful conversations with people and in some cases put in writing ways that we will try and, you know, work with them on and impacts to their property.
Q. Okay, thank you. I guess I'm a little confused. Why would you do that before you even know if you're going to be able to continue the project until the Public Service Commission issues their certificate?
A. We think early engagement is the right thing to do.
Q. Okay. It has nothing to do with the fact that you could come forward to the Public Service Commission and say look at all these options we've already been able to exercise with landowners to influence their decision?
A. Sure. I mean, I think being able to demonstrate that we have been able to meet the concerns of people impacted by the line is a big --- is a big part of it.
Q. And how well has that gone for you so far?
A. I mean, I --- I think it's actually going pretty well. Somebody earlier, I think it was Mr. Haynes, asked about how many folks we had, you know, gotten option agreements with. I don't recall the exact number. I think it's about 85 out of the 200 and I think it's actually up to 282 now with some of the changes in title updates we've made, 282 parcels.

We also get a pretty good idea of, you know, how the community feels about us. At this time, more than two-thirds of people impacted by the line have indicated a willing to work with us. And that's good information for us that, you know, like we may have got something right and there's some other things we may need to do better.

Q. Data I've seen so far that is only roughly somewhere between 20 and 25 percent have actually signed lease agreements. Is that roughly correct?

A. Yeah. So I think it --- I think as of last week, it's somewhere close to 30 percent that have actually signed easement option agreements with us. We have close to 50 percent of landowners who have signed right of entry agreements with us. But one of the other things that we track is people that are engaged in ongoing conversations with us. And so that's where I get that two-thirds number. There's another 115 or so parcels that we are actively engaged in discussions with. A number of people wanted to have the opportunity, like yourself, to come to the proceedings and participate before talking with us and that is your right. We respect that. We can take those conversations up when the hearing's concluded.

Q. Okay, very good. I think just a couple more quick questions. I think we appropriately worked on the timber

land issue with Mr. Evans there. And just sort of curious, knowing that so much timberland is involved with this particular model transmission line, why wouldn't that have been disclosed in or mentioned at least in the lease agreements?

A. I don't know that there's a specific reason why would or would not have. Those are things we rarely commonly add. And I think it's good feedback that as we proceed, maybe that's something we should include in our form agreement.

Q. And I think you mentioned also, and correct me if I'm wrong --- just two more quick questions. That if there was a change in the material use of the property, that it might be amenable to a full purchase of the property. What about the material change to the economic value of the property?

A. So I'm going to be honest with you. I have worked on a lot of projects and I haven't seen an appraiser tell me that, but that doesn't mean that doesn't occur. I think if --- the --- the --- the thing I would probably do if you feel like there is a material change to the value of your properties, first, let's --- let's talk about it, right. There may be facilities we can relocate, as we spoke about earlier. But at the end of the day, I think the way that you demonstrate that is to

go get an appraisal that would value the easement and would value any potential damages to the remainder of your property.

Q. Well, I think there's, just for the record, I think there's a lot of testimony that's been given by the landowners here that you're --- you're going over some of the most pristine natural land that God ever put on the face of this earth. And that carries a lot of value to a lot of people. And to see what God put here destroyed for something man wants to put here, to some of us, it's just an opinion, is not worth --- not worth it.

Let's see. The other thing I wanted to ask you about and the last one is, I think someone, it may not have been you, Sarah, mentioned about the --- the payment for the lease option itself was taxable. Is that --- is that a correct --- is that a correct statement? And if somebody else could answer, that would be fine.

A. Yeah. I think that was Mr. Boykin right before me, but that's my understanding. And I think the way that you can think about it, not a tax attorney, but if you sold your property, there would be some real --- some tax on the sale of that property. I believe there's a similar structure with easement payments. The other types of payments may be different. I --- you know, I'm not a tax attorney, ---

Q. Sure.
A. --- but that's what I believe he was referring to.
Q. Yeah. So in that case, if the --- if it could be demonstrated through appraisal --- and this may be more of just an opinion. I don't know if somebody wants to comment on it. If it could be demonstrated through an appraisal that the economic value lost to your entire property was more than the value you're receiving for the lease option agreement, I believe, anybody can quote me there, that you would be able to take that against the cost basis of your property without being taxed on it, necessarily. You'd have to declare it. But if it's a reduction in the cost basis of your property based on the decline in value of the property, would it not follow that you could, you know, file it for taxes that way? And I know you're not a tax expert, so we may just want to consider this a comment. And if anybody else would want to comment on it, I'd be happy if they did.
A. Yeah, you're right. I'm not --- I'm not an expert on that.

MR. WOTRING:

Anyone else that might be qualified, that's a witness? If not, I think --- I think that's all I had for now. Thank you so much.
A. Yes, sir.

CHAIR:

Next Intervener.

MS. EVANS:

Thank you, Your Honor, Commissioners, and Ms. Powers. I'm Sarah Evans, Hampshire County.

CROSS EXAMINATION

BY MS. EVANS:

Q. I have three questions. First, do you always go around farmland preservation farms or easements? This question was asked yesterday and they referred to you. So I'm asking that question of you.

A. Yeah. So I can't really speak in terms of the routing. I think, and please correct me if I'm misremembering, the question was something along the lines of if I put my property in one of those programs, does that mean you can't go through it? Is that your --- your ---

Q. Yes.

A. --- effectively your question? Okay. So my experience with that is generally the answer is no, that does not mean that a transmission line cannot go through your property. It's very dependent. And again, I'm not a real estate attorney, ---

Q. Sure.

A. --- but it's typically very dependent on the

language contained in whatever that easement, conservation easement is. I have seen situations where you have to pay or provide mitigation land to compensate for the property that's taken out of those programs. But as a general kind of wholesale rule, I have not seen that to be prohibitive if that answers your question.

A. Yes, that does. Yes, thank you. And then earlier today, there was a question asked about if landowners could take care of the land running under the transmission line if NextEra built a line on us. We already have a Potomac Edison 500 kilovolt line. It takes up about 10 acres and we actually have had a contract with them for 20 years, probably over 20 years. Well, we do maintain the property under those lines and they actually pay us every six years. So --- so is that something you all would consider?

A. Yeah. I --- I had that conversation with another member that's very close to you on the break. I don't know the answer to that. I have not seen us do that. However, I did not forget. So I actually have our operations leads running down, you know, what we've done in the past, if we have any precedent for it. I don't know that answer right now if that's something that we would entertain. But I do --- we will follow back up with your family.

Q. Okay, I appreciate that. And then finally, access roads. Of course, I'm a woodland lover. I have a hard time, even though we have our woods in the program where they come and cut the woods every so many years and we use it as a crop, we make money. I still --- I like my trees. So I'm concerned, access roads, who decides where they go? Because, again, trees are going to be cut on us. How --- how those roads are maintained, what happens after you guys leave? Do those roads have to stay? If they're not fixed up appropriately where do we go? How can we be sure we get a contract on roads for our land?
A. So there's a lot there, so please redirect me if I miss something that you're asking. So on the first part, where do they go? A couple things. Typically, just like with the easement location, if there is an access road proposed for your property, that would be brought to you by a land agent that says, hey, we're also looking at an access road in this, in this area, and we would get feedback from the landowner. We do try whenever possible to use existing roads. So we have a lot of precedent on other projects for creating a road use agreement with the landowner to use roads that are existing. I think it's also potentially part of our application to the Commission for an access plan. I don't know that to be sure, but we try in general practice to make it a

conversation with the landowner whenever possible. We also do have instances where we'll access other property from on right of way when we can.

Q. Okay.

A. The second piece, I think what happens to --- like, how does the roads get maintained?

Q. Yeah, maintenance.

A. So there is in our form agreement, and hopefully this is one of the things we did right, already a provision for access road maintenance. Our position is generally that --- and again, this is just an in form agreement, if we have to create a road for access to our project during construction, it is our responsibility to maintain it. One of the things our land agents do frequently field calls for is landowners that have concerns about their roads. So we work very closely with our construction crews to try and maintain that. As to whether the roads are left at the end of the project, the answer is it really depends. So, in general, we are usually required to identify any roads that are permanent at the start of the project. So back to that conversation with the landowner. You should know whether the intention of the road is to be permanent or temporary. There are instances where landowners want us to leave the roads and take over responsibility for that.

And in many cases, as long as it doesn't violate our permitting or restoration requirements, we do try to do that as well.

Q. And the roads that you consider or want to be permanent, then you would also make sure that they're maintained?

A. That's right. Typically we have some kind of separate road use agreement with the landowner because it'll end up being a shared use, but yeah, that's correct.

MS. EVANS:

Thank you.

A. Thank you, Ms. Evans.

CHAIR:

Next Intervener.

MR. HOCKMAN:

Hi. Good afternoon, Commissioners.

CROSS EXAMINATION

BY MR. HOCKMAN:

Q Hello, Ms. Powers. My name is Bryan Hockman. I'm a Hampshire County landowner. I'm impacted by it, too, and I wanted to ask you just a couple questions. One of them was actually we talked about the easement agreements. We talked about right of way entry. I want to talk more about the right of way entry. That is actually a signed

agreement; correct?
A. That's right.
Q. I mean, it's not just like a head nod or hand wave or anything like that or ---?
A. So there --- so I guess the answer is it depends. So in my Direct Testimony, you may or may not see, there's --- there's a copy of our form right of entry agreement. It is typically our preference, especially if we have to do surveys that might require ground moving, to have a written agreement. There are cases, and I don't know that this project is one of those cases, but there are cases where a landowner will give us verbal permission to do limited surveying, and we do --- so we do have those types of arrangements as well.
Q. Okay. So the hierarchy there is if there is a signed right of entry agreement. So does the land agent take care of that portion of it as far as the agreement? They do that. And then for the people that you have doing your work, your construction team, your surveyors, environmentalists, and stuff, do they coordinate that or do you guys coordinate that?
A. So for MARL specifically, we have what are more or less weekly and monthly work plans that we coordinate with either boundary surveyors, environmental surveyors. My expectation in general is that if a surveyor is going

to be accessing a property, that their land agent is there to make sure that they understand the constraints in which they need to operate on that property. So I would say it's intended to be a coordination effort between whoever it is that actually needs to do the survey and the land agent that has contact with the landowner.

Q. So do you guys contract those surveyors and environmentalists or they work actually for NextEra?

A. Largely, they're Contractors. So, for example, Ms. Heater, her surveyors would be doing environmental surveys.

Q. So do they have to follow the same code of ethics or code of conduct that you make the land agents follow?

A. I can't say that we provide our land agent code of conduct to outside vendors, but certainly I would say, in general, our expectation is that anyone interacting with the public or landowners should be respectful.

Q. Well, and the reason why I'm asking, because a year ago, it's actually October last year, my neighbor, who is a poultry farmer, he was alerted that there was somebody beside one of his poultry houses with tripods set up. So he was out chopping corn. So he went and they --- what they did was they came down his access road, private road where his poultry farm was, and asked him what they were

doing. And they said, well, we're surveying for towers for MARL. And he said, well, I don't --- I've never given anybody permission. And that's when that surveyor told him that I don't need permission because it's already been approved by the Public Service Commission and it's already been approved by FERC. So, of course, him not knowing if that's true or not, he came to me right away because he knew I was up on the case. He knew I was following this. And at that point in time is when the notice of intent was effective for the PSC. And I think FERC was determining the rates, right. So they were using that as a ploy basically to get on his property and he didn't have any idea that he could --- he just told him that they needed to leave and they --- well, first, he asked them were they --- how long were they going to be there? And they said we've already finished. We've already got what we need. And he said, well, I need you to leave and then they did. So I have a feeling that there's a lot of this that's going on under your radar. And that's --- I just wanted to bring that up. I don't know if you've heard personally. He wouldn't know to call hotline for something like that, especially when he's being told that the Public Service Commission's already approved it, you know, so. And that was just a misconception on the surveyor. He either

thought that or he was using that as a ploy to get on the property.
A. I'm not familiar with that specific instance, but I guess, one, is there a specific question you had as far as ---?
Q. Well, I guess it was just, I just wanted to reiterate the code of conduct, basically, because if your land agents know that they're not supposed to say things like that that aren't true, that they should be passing it onto the surveyors if they're coordinating that kind of stuff, or the environmentalist, which they --- the land agent wasn't there because he --- he would have told me that as well. So those people were somehow told this is okay.
A. Yeah. I --- I can't speak for --- I don't know about that incident, but I can tell you that now, right, my expectation is that our agents are accompanying surveyors to properties and that is our expectation that everyone is respectful. And, I mean, I can say for sure that Ms. McCormick would say the same. If we --- if we find out, or, you know, if you find out that someone is being disrespectful, please get a hold of us. We want to know about it.
Q. Okay. I --- I just wanted to find out for sure.
A. I appreciate it.

CHAIR:

Next Intervener. Okay, let's go --- oh, I'm sorry.

MR. MARTENEY:

I'm a mess, so bear with me, okay?

CROSS EXAMINATION

BY MR. MARTENEY:

Q. My name is Scott Martini. My wife and I, Susie, have a small home down in 201 Gobbler, Springfield, in Hampshire County. We are a host also. This line will be roughly 39 feet from the side of our house. A couple of my questions I had was with the land agents as far as how they work and I guess, how they come about with us. But anyhow, you --- you had talked about there were seven or eight agents that are in the state of West Virginia?

A. Yeah. I think with our internal folks, it's --- it's 11, ---

Q. Eleven (11).

A. --- and 9 --- and 9 acquisition agents.

Q. All right. Because you mentioned that some seven out of eight reside in West Virginia.

A. Eight of them reside in West Virginia.

Q. Eight.

A. Yes.

Q. Well, that gets to a question. I had our first

agent that we had came in and --- well, I'm guessing time frame. A time later, he had moved or had been taken off the position. Another agent came in. We'd ask him what had happened to him and he said, well, he had some issues at home. He had to go back home, which was in Texas.

A. Uh-huh.

Q. These people who are residents of the state, are they temporary residents? Are they --- are they people that have been born, raised here like most of us, or are --- are they just saying because they have an address in West Virginia that their residents now to --- because they stressed that they were advocating for me. And I really question if they're advocating for me, so.

A. Yeah, that's what they're supposed to do. I don't know. You know, I'm happy --- I know you guys have access to the --- the hotline. I'm happy to follow up on who those people are. The eight people that we have working in West Virginia, at least four of them are born and raised. The other four live here. So we don't --- I mean, it's not super uncommon for a land agent, if they know they're going to be on a project for a long time, to rent property there so that they can be there and bring up families. But the people that I referenced are West Virginia residents.

Q. I know you mentioned about an agency out of Texas.

I think you've said that hired people. So that's why I was kind of --- it just made me question.
A. Yeah, it is a little bit confusing. I mean, I'm --- a lot of the land staffing agencies will look in the areas where the projects are and try and hire people from them. And so that --- that's what you're --- that's what you're describing.
Q. Another question I'm going to try to --- if I mess this up, I'll just skip it. But my understanding is that DNR came to NextEra and asked for a reroute over Whitehorse. However, that --- am I wording right even?
A. Ms. Heater, I believe, has that in her testimony. So I'm not sure. But if you want to continue, I'll try to answer your question the best I can.
Q. Well, my question is to say they did reroute from my understanding and it was all due to a habitat fragmentation. Why is the habitat fragmentation more important than my home?
A. I can't --- I'm really sorry. So the routing decisions that are made are part of Ms. Heater's testimony, not mine. So I can't speak to how one thing was weighted over another.
Q. Okay. I think you kind of have an idea of where I was going with it.
A. I do.

Q. Getting back into the agents. Let me try and get set up here. Through this line, there was a primary and a secondary line. We do have an existing line next to our home on an adjacent property. The primary line came between us and the existing line. The secondary line came on the opposite side. So our question to the land agent is there's no homes on that side of the property, on that side of the line. Why is the line not over there? Why is it coming down this side and affecting homes? As he said, his words were it's cheaper to pay you guys than it is to rerun the line.
A. Yeah.
Q. That was the answer we got.
A. I don't ---I don't know whether that's ---
Q. And I assume that's probably ---.
A. --- true or no. Again, I'm really sorry. I'm not trying to not answer your questions. I am not in a position to answer why routing decisions were made.
Q. So --- so with that, I guess giving an idea how they're talking with us is --- since we're not getting answers from him, you know, we have a --- like I said, this is --- this routing is going to be within 39 feet --- the transmission line, 39 feet of the side of our home. We have a structure pad LOD that's probably going to take up from the mapping, it looks like about a fifth of

an acre behind our home, and our land agent has discussed zero this with us. So my question is, is if he's not going to talk to me and you're the one in charge, how's this structured pad LOD going to affect me? How is this --- this blowout zone going to affect us? He's not talked to us about any of this. I mean, I --- I --- we have now --- try to keep up but working, it's next to impossible.

A. Yeah, I can appreciate that. So I know that you guys have submitted some questions through the hotline. I don't know whether you've gotten, you know, all of the information that you want. I think what I would say is, you know, the same feedback I gave to everyone else. The hotline exists for a reason, so that you have another way to contact us. And look, not every land agent is the right fit for a landowner. So, you know, we acknowledge that, too. But I think you guys were very clear in some of the information you were asking for. Some of it we don't have yet because the project is not that advanced. But I think simple questions like, you know, what does the limit of disturbance mean, those are things we should be able to answer. And if you don't feel like you're getting answers from the agent, then please continue to call into the hotline and we'll --- I mean, the best way to do that is to sit down with you and have a

conversation. We'll do our best to answer over email as we can.

Q. Well, the thing that bothered us is he's more worried about wanting us to give him a figure to get the right of way because he's never mentioned about a blowout zone. He's never mentioned about the structure pad. So he's --- he was wanting us to agree on something before we even knew anything else that was going on, on our property. And it went till we did our own research and got our own maps that --- that we seen all this going on and then we started asking questions.

But the wife has emailed NextEra multiple times and this is the best answer we get from pretty much any of our questions as of now. It says at this time, your route vision request has been received and is undergoing a formal review and the project team is evaluating the feasibility and potential adjustments and will provide additional information once the review is completed. That's --- that's the best answer we've got so far.

A. So my understanding, right, is that we're --- we're doing the best we can from desktop evaluation. Engineering is complicated. A change we might make on your property could affect somebody else's. But without on-site surveys, for example, we can't give you survey grade data. I --- I think that's, that's the

correspondence I've seen so far. I know Ms. McCormick is aware of it as well.

Q. Do we need survey information to let me know about a blowout zone or to let me know about a structure pad LOD that's going to be put in my backyard?

A. What's your specific question?

Q. Well, I mean, I'm just asking why is this information not been given to me? Well, I mean, if this land agent is the man that I'm supposed to talk with to get my information from, why am I not getting it from him?

A. Can you --- I'm sorry. What is the specific information on the LOD or blowout zone that you're ---.

Q. I don't even know what one is.

ATTORNEY PRESLEY:

Objection. This is becoming argumentative. And in addition, I think Mr. Marteney's testifying. I --- I think this has gone on long enough.

MR. MARTENEY:

Yeah, I ---

CHAIR:

He --- he ---.

MR. MARTENEY:

--- I apologize.

CHAIR:

No, no. You can continue to ask. This is important to the landowners and this witness has been very thorough and trying to answer the question. So go ahead and proceed.

BY MR. MARTENEY:

Q. Yeah. I mean, as far as the structure pad, it's just, I can Google it and find out what it is, but I don't know how it's going to affect me. I mean, it's an LOD, limit of disturbance. I mean, does that mean they're just taking trees down? Does that --- I mean, I don't know how it's going to affect me and that information is not being given to me. And we haven't --- and we've --- we've not even been told about it. So I brought it up with our land agent the last time I talked to him and his main concern was, his question was do you have any questions and have you come up with any figures yet. That was the last time I talked to him.

A. So I think what I would tell you in this format, right, I'm generally familiar with your property, but not to the level of detail on, like, what specific activities would occur within the limits of disturbance. But if you can help us with --- like that was a very clear question that I can answer. Like what is blowout, right. I think Mr. Givens --- I don't think you were here yesterday, but Mr. Givens ---.

Q. No. He's not here today.
A. Yeah. He answered that to a certain extent, so I'm going to give you my engineering answer. And during --- so blow out is effectively during high wind events, the lines may sway and there may be a need for additional clearance depending on, you know, the sag of the line outside the right of way area. I don't know whether that's the case on your property, but that --- that's effectively what we're talking about when we talk about blow out.

The limits of disturbance are usually related to construction activities and installation of the structures themselves. So whether that's clearing to get into equipment, you know, they may have to do some matting or something to deal with compaction. I don't know exactly what that would be on your property, but those are the types of activities that would typically occur and Mr. Givens would be able to give us a more complete answer. But now that I know that that is one specific thing that you would like to know is, like, what might happen in the limits of disturbance, we can try and answer that with the answer you don't like, which may be we're still designing the route, so we may not have a definitive answer of what exactly that looks like. But I think myself, Ms. McCormick, our team, what I'm hearing

is we can do a better job to try and more directly answer your questions when we know what they are. And so we'll try and do that.

Q. All right. I apologize.

A. No need, sir. That's why I'm here.

CHAIR:

Next Intervener. Ms. Gruber, do you have a question?

MS. GRUBER:

Yes, ma'am.

CHAIR:

Okay, proceed.

MS. GRUBER:

Thank you, ma'am. I appreciate that.

CROSS EXAMINATION

BY MS. GRUBER:

Q. Ms. Powers, I apologize ahead of time because I'm going to ask a lot of questions that you may or not may not be answered, but you were referenced in the original testimony as having the answers, being the answer woman. So if you can't answer, just --- if you could just direct me to it, who actually can. Answer to the best of your knowledge. Okay, thank you. I appreciate that. You've really been so very nice on this so far.

Number one, we have --- what I've been listening to

in this testimony is these agents have been asking us to sign with you. And as the gentleman just prior to me, without full knowledge of what's happening to our properties. And I think this is difficult for people to do because they're being asked one thing and then you just said the --- this has not been fully designed. So we're accepting something from you without having a full design or full understanding. So what I'm asking is all these process plans that have yet to be completed, when do you expect them to be available that we can see them and ask questions of them?

A. So I --- I don't know the schedule of the design. The one thing I would --- that got really loud. The one thing I would tell you is that as far as the activities that would occur, there's not going to be in most cases like a dramatic difference in what would happen. But if, for example, Mr. Marteney's asking, you know, what specific activities might occur around the structure, I think we would need to confirm, for example, the structure type before we would be able to answer that. But I can tell you generally, you know, this area in the right of way would be cleared. This area might have an access road. So I hear your concern and I think, you know, as the project progresses, we're committed to continuing to give you more information about it. I'm

not sure if that addresses your question or not. I don't know the exact schedule of when the designs will be completed.
Q. I can appreciate that. Could you at least assure that your on-site supervisors for the construction would have copies of all of these process and plans ---
A. Yeah.
Q. --- available so that the homeowners can see these things as --- as you're coming onto our properties?
A. So what the --- what our engineering and construction teams do is technically outside of my area of control. I can tell you what we do do is we provide them a matrix of special conditions on every property, as well as the actual easement agreements themselves. The engineering team is responsible for the design. So I assume that they would have access to that. Whether they would have it on hand during construction, I don't know the answer to that.
Q. I appreciate that. A lot of references have been made to the library plans that are laid out there which are outdated. Is there a problem updating those plans and getting those to the libraries that would serve --- a lot of these people are using those plans that are --- that you --- almost all of your folks that have testified have said those are outdated. So we're asking questions

on outdated drawings. But is that possible to keep those updated as well as we're going through this procedure?
A. No, I --- I think it probably is. I would say I'll work with Ms. McCormick to see --- see how we can get those updated. And then I --- I heard the feedback. It's not easy to use, but we do have a website that you can go to and see updates on the project. But to your question, Ms. Gruber, I don't think that's an unreasonable request at all.
Q. Thank you, ma'am. I appreciate that. And now I'm sorry that my questions are going to kind of pop around because again, I'm making these questions up and putting them under your name as they, as they pop up. So talking about the --- the surveyors or vendors and they have that --- the last man spoke about, they just appear on property. They have appeared on my property several times without any permission, including I have no trespassing signs up. We actually found them within my barn one day and admiring the wood that was piled up in there. So I --- I was also told that they had the authority to be there. So I'm just wondering, you know, is there something you can push through to your vendors with the code of conduct that maybe they can --- or who --- who can we be --- who can be responsible for these people just wandering off --- off site and into our

property?
A. So I'm not --- I'm not aware of the incidents you're talking about. We will certainly go back and review plans with our vendors. As I told some of the previous Interveners, generally our policy is if someone is going to be on site, they need to be coordinating with our land team. I don't know in West Virginia surveyors are allowed to enter property without permission. Generally our position is even if they're legally allowed to, that is not our best practice. I don't know, you know, whether it's our surveyors or somebody else, but I do think that we can go back to our teams and reinforce that work plans need to be coordinated through our land team and do a better job, it sounds like, of notifying landowners if people are going to be in the area.
Q. I appreciate that very much. Thank you. So we live on a private road and you've talked about building these roads to access the land, to go ahead and put the transmission lines in. So in order to get to where --- we kind of live in a hollow. So we have, you know, mountains on either side of us. The really only way in and out of our subdivision is a private road. So is there a plan to get permission or have you already received permission from all the people that are in our subdivision to access that road?

And then obviously that's going to do a lot of damage. We're concerned about emergencies if people have to get in and get out. And it's a one lane road essentially, a little bit more than one lane. So one and a half road at the moment and heavy equipment is not designed for it. So my concern is, along with, I would think the rest of my people that live in the subdivision, whether they are --- whether they have --- are hosting a transmission line or not, are concerned with how are they going to get in and out during heavy construction periods. And also that, you know, how do we expect --- I mean, is there something that protects us with --- because this is a private road, we're not --- your --- your previous references were to county roads and state roads. So we --- we are a private road, which we funded our road. So are we to absorb that cost?

A. Okay. I'm --- there's a lot there, so please jump in if I missed or misunderstood something. So in general, we do not have the right to access private property without permission. I do not know whether the road you're referring to is part of our current access plan or not, but in order --- in the conditions that you describe where a road is private, we would need an agreement with the owners of the road to use it. Earlier, I think it was, Ms. Evans was asking about

maintenance of roads. So whether it is your road or whether it is a different road, it is in our form agreements as presented to landowners that we would be responsible for maintenance of roads and any damage caused by our --- our contractors. In terms of emergencies, I'm not an expert in that. Engineering would typically be the team that develops the access plan, but emergency response is also part of our access plans.

Q. Thank you very much. Appreciate that. I want to hit on contracts now because you had brought them up with the hunt --- I think it's Mr. Evans that was talking about how his --- his land for hunting. And he said, well, that --- that's really not enforced. They wouldn't enforce that. But that document, that form document that you're having everybody sign is a legal document that will stand up in court. So if he's hunting on his property and you guys come along and say you're not allowed to use your property for hunting and he says, oh, no, we got, we worked out a deal. If you go to court, he's stuck. He's screwed on that. He's not going to be able to do that because that document is a legal document that he has signed that says he's not going to hunt on his property. Now, I --- I just want to make sure that when people --- are --- are you explaining that fully to

--- and --- or do you expect everyone to get a lawyer and go over each document that you guys are presenting us? And --- and as he said, he crossed it out and the guy told him, no, you're not allowed to cross it out. So I'm --- I'm concerned that the agents are either not coming forth with and saying, yes, we can work with you on that, but they're pressuring and saying no, that's --- that's a standard. You don't get to change anything, standard language. And so in that case, if something --- and these other people that have signed previously that have that same form and are concerned, is that something they can come back and say, hey, I want to discuss that, too?

A. So I think a few things. First, the easement document does not say you can't hunt on your property. What is in our form agreement is requesting notice of hunting plans so that crews can operate around it. It is --- as I mentioned to Mr. Evans, our intention is simply that people don't get shot. I have seen on multiple projects on multiple parcels that provision be negotiated to reflect conditions specific to a landowner and that's what I would tell you here. You should not and no one in this room should consider the easement document as unnegotiable. It is a starting point. It is not an ending point.

Q. Thank you. I appreciate that clarification. So I

just wanted to go outside --- we've had a lot of discussion on adjacent properties. So if there's damage to an adjoining property owner, is there a process that we can see that tells them what they can do in order to make their repairs? My concern is I have another property and if what you're doing damage to my well, say for instance, I'm not in the row, but my property, my --- my adjacent property is and my well gets damaged, what's the process for and how soon does that happen? So I'm going to stick with the well project. So the well gets damaged, is there --- are you going to provide me water? Am I going to have to move to a hotel? Are you covering those costs for me to move to the hotel until the well gets repaired? That's what I'm concerned with. This house is going to affect my daily life, which, you know, is going to be difficult at best.

A. So I'm going to try to respond to what I think your concern is and please, like, redirect me if I misunderstand. So I think one thing that we are trying to be transparent about is that at this time, in general, we are focused on compensating landowners who are directly affected by the line. To your question on what happens if there's damage on an adjacent property that's not covered by the easement agreement, not a lawyer, but I believe that would be covered by, like, standard

liability. If you cause damage at some point, you're liable for it. In practice, and it really doesn't happen often, on occasions where --- like, the simplest one is, right, a contractor drove over somebody else's land that they have don't the rights to do and drove over their crops. In practice, we respond to those types of claims and do our best to make them right.

Q. Appreciate that. Thank you very much. Now --- okay. So if --- if you answered this, I must have missed it, but I just wanted to check and verify. Are you going to do any pre --- any pre-construction surveys and documenting any current conditions prior to the start of any construction?

A. So I didn't answer that question. Ms. Heater, in sort of the environmental testimony would have been the one to document, you know, or describe what types of surveys would occur prior to construction. So that --- that would be where I would direct you. And I think there's an ARD that describes some of the, for example, the groundwater protection plan that we would be developing.

Q. Thank you very much. And is there a place where landowners can review your standard operating procedures for conflict resolution?

A. That's a great question. I'm not sure that we have

something like that that's readily available.
Q. Do you think we can make that available?
A. So if you are an affected --- let me --- let me restate that a little bit. If you're an affected landowner, there are provisions in the easement agreement for conflict resolution. If you are not an affected landowner, I think realistically it's difficult for us to respond to every hypothetical situation. And so, I mean, that would be on a case by case basis. But, in general, we try and provide, like I mentioned earlier, the hotline, the email address so that people can get ahold of us if they think that there's an issue.
Q. Okay, thank you. I appreciate that. Is Grant Lemons (phonetic) one of your land agents or supervisors?
A. I don't recognize that name.
Q. Thank you. Let's see here. When were you made aware of David Birmingham and, yeah, all the issues that were being brought up based on his actions?
A. Yeah. I don't know the exact date, but it was early October.
Q. Oh, just --- so, just --- just last month, right?
A. That's correct.
Q. This month, okay. Wow. Okay. So you're probably not going to be able to answer this question, but it's just on my mind because you're asking us to deal with

these agents and even in my neighborhood, we've had multiple different experiences and multiple different answers to the same question. So at what point do you think that we should be trusting these land agents? I mean, again, the property owners beside me are getting different answers than I'm getting. I mean, I've been told that my land's going to be --- this is just a 220 foot easement right now. And then two years from now, you're coming back with another 250 easement for the 765 line. So --- which no one else apparently was introduced to and I was told that they were going to pay my property taxes. They were going to do this and that and none of that has been true. So what makes me want to go, yes, I want to sign an agreement with you that --- and make me trust that you will actually adhere to an agreement?

And the other thing is, you know, we've had two land agents that said, you know, let's make a gentleman's agreement. So what the heck is that, you know? I mean, you're not going to honor a gentleman's agreement with what is now a contractor. When they introduce themselves, they said they're NextEra and then we come to find out that they're contractors. So how do we know who is who and how we can trust them?

A. So I'll be honest, Ms. Gruber. I'm not entirely sure how to respond directly to that. So what I'll say

is as part of our landowner agent code of conduct, one of the first line items in that document is that they are --- our agents are to identify themselves. I think we recognize that trust is earned over time. I also recognize that you were one of the landowners that was interacting with David Birmingham and, you know, there's --- there's no amount of apology enough that we can make for how he conducted himself. I recognize trust needs to be re-earned. The one thing I will tell you is that, you know, we take our legal obligations very seriously. An easement document is a legally binding document and so we would have to abide by whatever is in that document.

Q. Understood. I didn't know if you were aware or if this was a practice within your code of conduct, that my brother-in-law and sister own a home in Pennsylvania and when they said no down here, they --- the agent and his wife actually drove three hours to Pennsylvania, knocked on their door and wanted to come in and discuss this further. After they said no, they kept harming them, not harming, but kept harassing them even to the point of driving to Pennsylvania out of this area to go hound them about signing for this --- for this land. Is that --- I mean, this is kind of a ridiculous situation. I mean, I realize you've dealt with the one guy, but I think he's somebody different. So I don't know what the incentives

are for these people that they are working so hard and forcefully trying to get someone to sign and that concerns me. I mean, I realize you probably don't have an answer. I'm not looking to make everything perfect and ---.

A. Can --- can you clarify what your --- what your question is?

Q. I guess it's just --- I guess I'm not --- you said that you're training these people and that they're signing --- are they signing anything that says that they will adhere to the code of conduct or is there an incentive plan to get people signed up that they're willing to do whatever to do it?

A. Okay. So no, they are not paid, for example, based on commission or the number of individuals they sign. The agent code of conduct is included in the scope of work that we provide to our vendors before they are allowed to work with us, so they are expected to adhere to that.

And the one thing I will say to you is that we recognize that there is a disruption to people's lives when you have to deal with a land agent or, you know, anyone from our Company on something that you didn't plan for. We do still very strongly believe that the best way to understand what is important to people is to be able

to sit down with you face to face and have a conversation. So to your question, it is not uncommon for people to try and find someone to have a conversation, with to buy you a coffee and have a discussion. I would not condone someone harassing people, but trying to find someone in person to have a conversation is not uncommon.

MS. GRUBER:

Interesting. All right. I believe that's all my questions. Thank you. I really appreciate your time and efforts here today. And thank you, Madam Chair.

CHAIR:

Thank you. Ms. Blancato.

MS. BLANCATO:

Blancato. Thank you, Chairman.

CROSS EXAMINATION

BY MS. BLANCATO:

Q. Thank you, Sarah. I see from your rebuttal testimony and your comments day that you're willing to meet with land owners, regardless whether of they're right of way or adjacent property owners; correct?

A. Right. We're willing to meet with any stakeholder who will have a conversation with us.

Q. Okay. So I guess that's the affected landowners group?

A. So to clarify, what I would describe as an affected landowner, just the nomenclature we use in a real estate group, affected would be somebody that directly has a transmission easement, an access road, a temporary construction easement, something like that on their property.
Q. Okay, okay. So my next question, what percentage of your contacts with West Virginia landowners have you or your agents physically visited?
A. I don't have that number off the top of my head.
Q. Approximately?
A. I don't have that number off the top of my head.
Q. Okay. So then we don't know. Have you visited adjacent property owners?
A. I believe there are some instances of visiting adjacent property owners, yes.
Q. Okay, great, great. The landowners hotline that you mentioned, do you know approximately how many calls you've received on that hotline?
A. So to clarify, it's a project hotline for anyone who wants information ---
Q. Oh.
A. --- about the project.
Q. Oh, okay.
A. We --- I know we track that. I --- I don't have any

information on the tracking data.
Q. Oh, okay. So that's an all-purpose hotline?
A. That's right.
Q. Okay, thank you. You mentioned the groundwater protection plan. To your knowledge, who's preparing that?
A. I believe our environmental team. So Ms. Heater and the development team that was preparing their application, that would be the group that prepares the groundwater protection plan.
Q. Okay. Well, do you know, will that be completed before or after you receive the permit from the Public Service Commission?
A. I apologize with Blancato. I don't know what the process is for that.

MS. BLANCATO:

Okay, okay. And because everybody else took my other questions, I think I'm finished. Thank you for your time. Thank you for all of this.
A. Thank you, ma'am.

CHAIR:

Commissioner Larrick.

COMMISSIONER LARRICK:

I have no questions.

CHAIR:

Mr. Raney.

COMMISSIONER RANEY:

Yes, ma'am. Oh, Lord. We're not supposed to --- they warned us. I noticed you got very loud. They said that the reason we can't hear them is because they got them turned up. So we got to speak, I guess, softly. However that works. I appreciate you being here. You got a real nice way about you.

A. I appreciate that, sir.

COMMISSIONER RANEY:

You do, yeah. You're kind of the buck stops here, so it's no wonder everybody referenced you through the last few days.

A. We need to do something different.

COMMISSIONER RANEY:

I'm not going to rehash anything, at least I'm certainly not intending to. But I do have a couple of questions. I forget exactly who answered or who asked you this just recently about writing the checks for easements before any consideration of approval has been given by this Commission. Have you all written checks?

A. We have paid option payments and signing bonuses, yes.

COMMISSIONER RANEY:

Okay. So you have done that?

A. Yes, sir.

COMMISSIONER RANEY:

Okay. And you say two-thirds of the properties in West Virginia currently have a transmission line of some sort on the properties?

A. That was our --- yeah, that was our desktop assessment. Yes.

COMMISSIONER RANEY:

Okay. And right of entry, I noticed, is for three years. And then you indicate is that automatically renewed or does that simply come back in three years, 36 months and have to do it all over again?

A. So just to clarify, the right of entry varies, right. Like most landowners are actually negotiate a year. The three year term, I believe that was referenced earlier, is for the option agreement, which is a separate agreement, and then the expiration of that three years, if we wanted to extend the option, we would notice the landowner that we were going to exercise the extension.

COMMISSIONER RANEY:

I see. Okay, thank you. Get into your Direct Testimony. Go to page five of your Direct Testimony initially. And I think you pretty well --- you answered a bunch of questions about the permanent access roads and so forth, but indicated that early on, this

Direct Testimony was done so long ago that --- will you own the four point --- do you intend to own the 4.3 acres of permanent access roads that is estimated to be --- I mean, this was back when? When did you do this, in January? A long time ago, I think.

A. So is your question would we own that --- those four acres in fee for the access road?

COMMISSIONER RANEY:

If it's a permanent access road, is the intent for NextEra to own it?

A. So we have done that. We have also entered into, I think, as I mentioned earlier, road use agreements with landowners who would retain the underlying fee ownership.

COMMISSIONER RANEY:

Yeah.

A. Either of those things is a possibility.

COMMISSIONER RANEY:

Okay. So it can --- it can be either way?

A. Yes, sir.

COMMISSIONER RANEY:

Okay. You answered that about restoring it to its original use. You also indicated that you don't currently have --- in your mind anyway, you don't feel you have eminent domain authority. Am I accurate in reading that in your testimony?

A. Yes, sir. My understanding is we do not --- we are not granted eminent domain authority in West Virginia without the approval of this Commission, which we do not have.

COMMISSIONER RANEY:

We think that's true. You answered all of those. I'll go to Rebuttal Testimony. And page three, you talk about property diminution or Interveners had suggested it, it may diminish their property values. And you certainly express the concern that you have with us in regards to that. And the page 4 --- page --- page 4 of your Rebuttal in line 17, you talk about in NEET MA's experience, market data and comparable sales analysis do not support a general assumption that the existence of a transmission line result in major diminution of --- measurable diminution of value. Your experiences, can you talk about those where they may have been that you're relying on with that statement?

A. Sure. So we have a number of projects, as Ms. McCormick testified, throughout the country. There have been instances where a landowner has claimed that their property is materially damaged, as many people in this room have, by the presence of a transmission line. So most of my experience from that type of valuation comes from eminent domain proceedings where the landowner will

get an appraisal or we will get an appraisal evaluating the value of the easement and any damage to the remaining land. The places where I've seen large sort of damages awarded are --- are kind of unique situations. Things like --- there was one landowner that had a renewable lease on the property and that lessee felt like their solar project would have to be smaller because of the presence of the line. And so in that case, both the appraiser and the court felt like damages were warranted.

Typically when there is a small property that has very obvious, for example, development plans that would be disrupted, you know, a tenth of an acre property or something like that with the transmission line moving through it where you really wouldn't practically be able to construct. We haven't actually had to do that. We've just agreed to buy the property. But I haven't seen and I haven't read anything that tells me that simply the presence of a transmission line means your property is worth less.

COMMISSIONER RANEY:

Page 21, you reference Mr. See (phonetic) there and you talked about working with these folks. And I presume since it was specifically mentioned in your testimony, that you are working with them as it regards these long-term agreements that they have depending upon

what they may be and who they might be with. Is that --- ?

A. Yes, sir.

COMMISSIONER RANEY:

Is that accurate?

A. That's accurate.

COMMISSIONER RANEY:

Okay. That's ---.

A. I do think on that particular one, so Mr. See is asking for a vegetation maintenance plan specific to his property.

COMMISSIONER RANEY:

Uh-huh.

A. We would develop a vegetation maintenance plan for the whole project. In the case where a landowner had specific requirements for their property, those would be incorporated into the project plan. But it is not customary for us to develop a personal specific vegetation, just for clarification.

COMMISSIONER RANEY:

I think you indicated that to Mr. Evans as well, at this point, I think. All right. Let me see here, Ms. Powers. Lord, bless your heart for being on the stand. The --- are you aware --- I asked Ms. Heater this yesterday as well, I think. I mean, are you aware

of any situation where you have been requested or required to bond the construction and performance of the transmission line?

A. So I --- I had this conversation with Mr. Boykin yesterday. I'm aware of situations where we have had to post a bond to the state for the entirety of a project. I'm not aware for transmission of a scenario where we would post with individual landowners parties to the bond.

COMMISSIONER RANEY:

Well, I'm thinking more along the line it's likely to be posted with a --- a state jurisdiction, I would think.

A. I --- I do believe there's precedent for that type of thing.

COMMISSIONER RANEY:

Okay. You don't recall who the jurisdictions were, whether they were environmental agencies or regulatory, these kind of public service ---?

A. No, sir. I believe it was in Oklahoma, but I couldn't tell you which agency it was with.

COMMISSIONER RANEY:

Well, lastly, were you as surprised yesterday as we were when the PJM folks came in and said look here, just as soon as we finish this ---?

TECHNICAL ERROR OCCURRED

COMMISSIONER RANEY:

I think it's a cue you've been on the stand long enough. Anyway, my question is were you as surprised as we were that PJM comes in here and said look here, just as soon as we finish this 500kV line, we're going to come right in here behind him with a need for a 765?

A. I'm generally aware of PJM having congestion issues. So in concept, not particularly, but it's not my area of expertise.

COMMISSIONER RANEY:

I wouldn't --- I'm just curious about that. We were a little bit surprised with all of that. I think if you're going to skin this cat, you ought to skin at one time, not --- not twice. Thank you, Ms. Powers. You've been very, very kind. Thank you, Madam Chair.

CHAIR:

Thank you. My first question is could you give me a range of the amount of money that you are offering landowners for easements?

A. So my knowledge of the property values is pretty broad, right, and it's based on our market studies. So, I'm aware of offers. Again, depending on the property

type, the county, what the use is in, you know, the $7,500 an acre range to more than $20,000 an acre in general.

CHAIR:

Okay. My second question is are you aware that if we granted this certificate and if we declared you a public utility, then this Commission will have jurisdiction over customer complaints that you all are not living up to your agreements?

A. I'm not aware of that, but that sounds like another avenue for people to be heard.

CHAIR:

Well, it's true that if --- I mean, all public utilities that are subject to our jurisdiction, we have divisions that deal with customer complaints and try to get them resolved. So I just thought I'd make you aware of that.

A. I appreciate that.

CHAIR:

Okay. Thank you for your testimony. And now, Mr. Presley, do you want to do Redirect?

ATTORNEY PRESLEY:

We actually have no Redirect, Your Honor.

CHAIR:

Okay. Ms. Powers, you may be excused.

And so now we come to the end of Tuesday's witnesses. And now we can start with Dr. Deskins.

ATTORNEY CALLAS:

Thank you, Your Honor. The Company calls Dr. Deskins to the stand. We know that we've been behind the first couple days, but we fully expect to catch up to where we need to be at the end of today. I think we've got --- we've got five witnesses left, and I think each of them is likely to go short enough that we can accomplish all that today.

CHAIR:

Well, and --- and now that we've built up our stamina, we are prepared to go until we finish today's witnesses.

ATTORNEY CALLAS:

Excellent. Good to hear. Thank you.

COURT REPORTER:

Sir, can you please raise your right hand?

DR. JOHN DESKINS, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY ATTORNEY PRESLEY:

Q. Good afternoon, Dr. Deskins. Could you please state

your name and business address for the record?
A. John Deskins. I'm at West Virginia University, College of Business and Economics, Reynolds Hall. I didn't actually know you were going to ask me that, but I'm pretty sure Reynolds Hall address is 83 Beechurst Avenue, Morgantown. But that exact number could be wrong.
Q. Thank you, Dr. Deskins. I think it's probably in your testimony somewhere, your pre-filed testimony. How are you employed?
A. As Director of the West Virginia University Bureau of Business and Economic Research.
Q. And have you been involved in NEET MA's certificate application?
A. Yes.
Q. And in that connection, did you prepare pre-filed testimony?
A. Absolutely.
Q. And you just prepared Direct Testimony and no Rebuttal testimony; is that correct?
A. Yes.
Q. And do you have that testimony in front of you?
A. I do.
Q. Are there any corrections that you need to make to that testimony?

A. No.
Q. And you ask that that testimony be adopted as your sworn testimony in this case?
A. Yes.

ATTORNEY PRESLEY:

Your Honor, Dr. Deskins is available for Cross.

CHAIR:

Mr. Hanna.

ATTORNEY HANNA:

Thank you.

CROSS EXAMINATION

BY ATTORNEY HANNA:

Q. Hello, Dr. Deskins. David Hanna, Counsel for WATI. How are you today?
A. Very good.
Q. Great. I want to talk about your testimony and your --- the report you submitted. You --- essentially you were asked to --- by NextEra to provide --- describe the type of report you were asked to provide.
A. Sure, an economic impact statement.
Q. Okay.
A. I'll just describe what that is. Is that what ---?
Q. Yes, please.
A. The idea is that --- let's just talk about

construction expenditures to start with. Same idea applies to operations. But the idea is those construction expenditures are in and of themselves part of the West Virginia economy or economy in any given county. But the construction expenditure, some of that money goes to buy inputs from upstream supplier firms. And those upstream purchases create even more economic activity in the state. Those are called indirect economic impact. And so that's even more of an economic impact in addition to the direct impacts, in addition to the spending itself.

Furthermore, the workers on the construction projects, they --- they earn income based --- in some of that income in West Virginia as well, creating more business for --- for down --- more downstream business for --- for all the places where people spend money, creating even more economic impacts. Those downstream impacts are called induced economic impacts. So the total economic footprint of this economic activity or any economic activity is bigger than just those direct expenditures. It includes those indirect and induced impacts. So basically what I was asked to do is to --- is to estimate the total economic footprint of the construction spending, not --- you know, including those indirect and induced impacts.

Q. And when were you first contacted by NextEra to provide this report?
A. Oh, boy. I'm not for sure when I was first contacted. My report is dated fall of 2025. I do not --- I mean, I do so many of these projects. They probably contacted me --- if my report's dated fall of 2025, I would guess they contacted me maybe summer of 2025, but I don't remember that exact point.
Q. So in order to prepare this, you have to have a meeting or telephone calls with representatives of NextEra?
A. Absolutely.
Q. And who --- who by title or not necessarily names, but who would you meet with in order to get the inputs you needed to prepare the report?
A. Oh, boy. Again, this is dated fall of 2025. So it's --- so that --- the finished product is dated a year ago. I do not remember exactly who I met with. I'm sorry. I do not remember exactly who I met with to get the inputs.
Q. Well, when you do meet with a client like NextEra in order to prepare a report like this, you rely upon them to provide you certain information; correct?
A. Absolutely.
Q. And are you specifically telling them what

information you need or are they --- how does that work?
A. Yeah, I tell them what I need.
Q. Okay. Like what do you need to prepare this report?
A. I need to get their direct expenditures. You know, how much are they going to spend? Let's just talk about the construction part again. The same logic applies to the operations. But how much are they going to spend on constructions? How much of that is going to be --- what's the total construction expenditures? How much of that goes to employee compensation? How are the construction expenditures allocated across time? How are the construction --- how are the construction expenditures allocated across the different counties in West Virginia? Basically, those are in place.
Q. And so if you, --- if it's fair to say this is a fall 2025 report, you were working with whatever --- whatever estimates for the project were at that time?
A. Yes.
Q. And I believe I heard --- I see there was a number -- I asked Ms. --- and it's in Ms. McCormick's testimony. She mentioned that there's an estimate of 200 to 300 construction jobs or --- or job --- actually, maybe they were not just construction jobs, but total jobs as a result of this, the proposed MARL project. And I think in your report, you have a number of 264 jobs. Do you --

- are --- do you recall that number? I'll find it in your report.
A. I'm looking at it right now. My number was 175.
Q. Construction jobs?
A. 175 direct construction jobs. The 264 that you reference is the total jobs impact after you include those upstream and downstream impacts, in addition to the direct construction jobs.
Q. Right, okay. So the construction jobs --- and are those --- those are the numbers that --- NextEra is giving you those construction job estimate numbers?
A. I --- I do not think they actually gave me that number because sometimes, you know, a client that I work with will actually have the number of jobs that they've estimated in addition to the total construction expenditures. But in this case, I probably based that on, you know, kind of typical patterns within West Virginia. If you spend $1,000,000 in this area of construction, how many construction jobs go with that? I think that I estimated 175 from those typical patterns within the state. I could be wrong, but I think that was an estimate that I generated from the overall construction expenditures that they did give me.
Q. Okay. That actually makes sense because I asked a few people where that number of estimated jobs for

construction came from, and --- and I think they were referring to you maybe, that it wasn't --- it was not a construction estimate or it was come up or was included in what they provided to you, but that you --- that you --- you --- you derived that based on what their estimated cost of construction work.

A. Right. I'm pretty sure that's right in this particular case. They gave me we think it's going to cost this much money to construct this infrastructure. And then based on existing data, kind of within the IMPLAN model that I use, I estimated the direct number of jobs. And then, of course, the indirect and induced.

Q. And are those --- but those are supposed to be jobs --- I guess those are jobs produced. But you --- you don't know whether or not or there's no way for you to know if those are those jobs go to West Virginia residents or West Virginia contractors or if they --- or where any of those jobs, the person who has that job, where they actually live; is that correct?

A. Correct.

Q. Did --- but did --- I know you put a lot of data into a program called IMPLAN that creates this report. Did I say that right?

A. Yes, you pronounced it correctly.

Q. Okay, okay. So in order to produce the numbers in

your report and through --- are they making assumptions that --- that any of these employees are actual West Virginia residents or do they take into account various situations such as maybe you have certain workers that commute from out of state, and come in, and do a job, or go home on weekends, or how does it factor for that?
A. So this relates to the induced economic impacts. Remember, I described the difference between indirect and induced a minute ago. This --- this relates to the induced impacts that come from those downstream purchases as those employees take their income, spend it in the state economy. So the model assumes typical expenditure patterns, you know, represent workers in West Virginia. So essentially, the model does assume that the workers live in West Virginia because it just follows --- it just assumes a typical expenditure pattern of workers generally in the state. That's really the only way you can do it.
Q. Okay. So it wouldn't --- it would --- would it be slightly different than if those workers didn't actually reside in West Virginia and they --- either they commuted or were here only temporarily?
A. It --- it could differ. This is their best approximation for how those dollars would flow back through the economy. But it --- it's a --- it's a

forecast. It's an approximation.
Q. So those were the 175 estimated construction workers, I think you said, and then additional 89 jobs through indirect and induced effects?
A. Yes.
Q. And describe that number, the 89.
A. Well, again, they're spending, you know, $102,000,000 in the state and that's creating additional demand for upstream supplier firms. So that's creating additional demand, additional business and additional employment for those upstream firms that are providing --- that are --- that are feeding into this $102,000,000 expenditures. And also they're paying their workers $27,000,000 in the state economy. So those expenditures are flowing into the state, creating additional downstream demand. So all that upstream demand and downstream demand together is going to create or support an estimated 89 additional jobs. That's kind of the whole point of doing this economic impact study to get that broader footprint of the spending.
Q. Does the --- does the report distinguish between construction expenditures, whether those are come from suppliers in West Virginia or outside of the state of West Virginia, or is there any assumption there?
A. Well, that's --- it's based on typical expenditure

patterns within the state. So the model kind of looks at --- it doesn't just look at construction, but the model looks at this particular type of construction, you know, energy transmission infrastructure. And the model has an idea of --- of --- of all those inputs that are purchased, how many of those come from in state versus how much of those come from out of state. And that's what the model's based on. It's based on typical expenditure patterns of how much of those go in state versus out of state.

Q. So you said this is --- it's typical expenditure patterns for a transmission line project or more --- is it broader than that?

A. It's the --- let me see if I have the specific name of the IMPLAN code that I put in here. It's just energy transmission infrastructure. That --- that exact name may not be correct, but energy transmission infrastructure I'm pretty sure is the --- is the specific name of the --- of the industry code in IMPLAN. So it's not just transmission lines like this. It includes broader --- it' --- it's broader than that. IMPLAN's not that precise, but it's a broader definition. But still, it's not just construction in general. It's construction of energy transmission infrastructure specifically.

Q. Have you provided a report like this for a

transmission line project that proposes to span four states?
A. Well, I mean, I have done --- I don't know exactly about the four states, but I have done similar projects.
Q. And what type of projects were --- are those?
A. Well, I don't know --- I don't want to talk about projects that I have underway currently, but ---.
Q. Just a description of the types of --- type of projects.
A. Like very similar projects. Like I've done very similar projects in terms of electricity infrastructure. I've done very similar projects in terms of natural gas pipeline infrastructure. I've done very similar projects in terms of power generation, whether it be coal or gas. I've done a lot of work kind of in this area in general.
Q. Okay. So I think you said not necessarily one that crosses four states?
A. Well, I don't know the number of states exactly, but I've done multistate projects where the infrastructure, you know, crosses more than just West Virginia.
Q. Okay, fair enough. I have --- there's --- I have a question about taxes, property taxes. Have you been here for any of the discussion about property taxes?
A. I have, yes. Do you --- do you know how utility property is taxed in the state?

A. I --- I do not.
Q. Okay.
A. I know how personal properties taxed, being a West Virginia resident, but I know the utilities are taxed differently. I'd have to kind of research that area specifically.
Q. Well, does your report include --- your --- your report does include and speaks to property tax estimates.
A. It provides property tax estimates that, you know, that are estimated by NextEra. I don't --- I didn't estimate those myself. Let me see if I can find that in the report on page nine. But those are the reported property tax payments coming from NextEra. But I haven't worked through kind of the mechanisms of who they would submit those property taxes to and how they're distributed to the counties.
Q. And you say --- you have an estimate of $116.2 million in property taxes over --- to the four counties over the coming 40 years. Is that what you have?
A. Yes.
Q. And you think you got that number from NextEra?
A. Well, if you look at the fourth line on that page, officials with the MidAtlantic --- officials with MARL estimate the total property tax payments made to the four counties in West Virginia will amount to just under

$4,000,000 first year, you know, and so on and so forth. So I'm just reporting, you know, their estimate for benefit of the reader. But I'm --- I don't actually have the ability to estimate property tax payments for this infrastructure myself.

Q. Okay. There was testimony or Ms. McCormick's testimony that had an estimate of $133,000,000 in property taxes over the life of the project and that just conflicts with the number you have in your report. I assume that you're not going to have an explanation of that variance?

A. I don't, but I assume it's because of timing, because as I said, this --- my report's dated fall of 2025, so it's probably a matter of time.

Q. And you say --- you said you're not exactly sure how utility property is taxed in the state, but you do in your report show you kind of apportion the estimate of among the counties, the four Counties. How did you --- how did --- what kind of formula did you use to --- to apportion that?

A. Oh, hold on a minute. You're talking about --- no, there's two different types of tax impacts that we're talking about. The property tax payments that we were just talking about on page nine of my report or it's 3352 of the --- of that code, that page numbering system.

Those are property tax payments paid directly by MARL. The property tax payments that I'm estimating, not property tax payments, the tax payments, the tax impacts in general that I'm estimated in Table 5, in Table 3, the tax estimates that I'm estimating are not property tax estimates paid directly by MARL. Those are additional tax impacts that are associated with the spending flows that I'm estimating.

Q. Well, that's --- that's what your Table 5 is, right? That's ---.

A. That's reported in the very bottom right-hand corner of Table 3.

Q. I guess I'm looking at the ---.

A. And it's --- it's reported in the very bottom right-hand corner of Table 5 as well.

Q. Well, yeah. I'm looking at --- and I'm looking at the middle of page 8, Bates number 3351 above Table 5 where it says we estimate the spending associated with MidAtlantic Resiliency Link will support, and you have numbers for tax revenue, state and local governments.

A. Right. That's ---.

Q. That's --- that's not --- you're saying that's --- that --- that --- those numbers are tax --- those are ---

A. In addition.

Q. Those are utility property taxes?

A. Those are not. Those are taxes associated with the spending flows.
Q. But the --- the next page, Table 6, those --- those are the utility property tax payments that are estimated for the life of the project?
A. Page nine, but yes.
Q. Yes. Does you --- does your --- your report doesn't have any fact --- doesn't factor any --- anything into it about the increase on rates to the customers or the ratepayers and how that could affect the local economies?
A. No. I did not account for that part or that potential effect.
Q. Are there any --- I guess, there aren't any other maybe costs that you --- you considered that could potentially offset any benefits?
A. That is correct.
Q. I think you --- you referenced long-term direct employment, I think, that would occur after construction.
A. Yes, from operations.
Q. And is that you estimated three --- three jobs?
A. Yes.
Q. And that's statewide; correct?
A. Yes.
Q. I saw a reference in here to --- I think it's page --- page eight that assuming 0.8 employees for West

Virginia or said while NEET MA doesn't --- not specifically allocate this single employee's time precisely across the various states, we assume 0.8 employees for West Virginia based on industry norms. What's --- what's the --- how's the fraction --- what do you --- how do you factor a fraction of it?

A. Well, again, we're just taking an average. I mean, the average woman has 2.1 kids. That's impossible for an actual person to --- to do that, but --- but that's the way averages work out. I mean, but the basic idea is they're going to have more employees over the broader region. But if you kind of apportion those, you know, additional employees out, it comes to about 0.8 in West Virginia.

Q. You didn't do any work respect --- with respect to what the proposed transmission line may or may --- how it may or may not affect real estate taxes or assessments on local property?

A. That's correct. I did not.

ATTORNEY HANNA:

Okay. Thank you, Dr. Deskins. I have nothing further.

A. Sure.

CHAIR:

Mr. Harkins.

ATTORNEY HARKINS:

Thank you, Madam Chair. Just a few.

CROSS EXAMINATION

BY ATTORNEY HARKINS:

Q. Good afternoon. My name is Clayton Harkins. I represent a group of individual landowners in Hampshire County. You gave a brief description in your Direct Testimony about what IMPLAN is. Where does it get its data from? You said it makes certain assumptions or assumes certain data. Where does it pull that data from?

A. That's a big question because IMPLAN is a massive program and the effort that they put into calibrating the model based on real world data is huge. But they get --- they --- to answer your question, they get their data from standard economic sources. Places like the Bureau of Labor Statistics, the Bureau of Economic Analysis, state tax authorities, you know, those types of groups where --- were just kind of standard economic data come from.

Q. Do you --- in preparing your report, I assume, do you check the data that comes out of the system?

A. No.

Q. Just take it at face value?

A. To do that would be a full-time job for me and both of --- both the first two rows here. But I will say the

IMPLAN system is widely trusted. It's used by groups like the WVU, Bureau of Business and Economic Research nationally. A couple years ago, I was president of this organization called the Association of University Business and Economic Research and --- AUBER. And AUBER members come from all across the country. And every year of the AUBER conference, everybody's talking about we use the IMPLAN for this, we used IMPLAN for that. There's always sessions on using IMPLAN. It's very, very, very widely used because it's an industry standard for this type of analysis.

Q. You mentioned you've done a lot of these studies. I don't remember if there was a specific number. Have you ever done a follow-up study after the fact to see how accurate it was?

A. I have --- not really. I'd like to. But so many of these things are long-term and so many of these things happen and they --- and they fall through, like China Energy a few years ago. I generally do not assess it after the fact. I mean, for example, I mean, this --- for me to wait to see what the impact of this is, I'd have to wait until, I think, 2032.

ATTORNEY HARKINS:

I appreciate. No further questions.

A. Okay.

CHAIR:

Ms. Grundmann.

ATTORNEY GRUNDMANN:

Yes. Thank you, Your Honor.

CROSS EXAMINATION

BY ATTORNEY GRUNDMANN:

Q. Good afternoon, Dr. Deskins. It's Carrie Grundmann on behalf of WVEUG. I'm going to try my best not to retread the ground that you've already gone through. But I'd like to start at your executive summary on Bates page 3342. Let me know when you're there.

A. Yeah, I'm there.

Q. So a couple of just sort of high level questions. I noticed that throughout this executive summary, although your title page indicates that you are the only drafter of this report and that these are only your opinions, you constantly refer to the we throughout your --- your executive summary. Who is the we?

A. That's my style.

Q. So it's just you?

A. It's just me.

Q. Okay. So anywhere it says in this report, we estimate, it could say I estimate?

A. Yes.

Q. Okay. So then I think Mr. Hanna asked you a number

of questions about things that you did not incorporate. You didn't incorporate impacts of rates on customers. You didn't consider costs that might offset benefits; correct?

A. Yes.

Q. So when you state on the third full paragraph there that in this report --- and I'm going to change any we to I to keep it not confusing. But you say in this report, I estimate the economic impact of the MidAtlantic Resiliency Lincoln, West Virginia. That statement's not actually true, is it, if you're not estimating the total overall impact of the project, but are instead only focusing on the positives that you can identify?

A. Well, I mean, for example, if you were to consider an environmental impact, I don't know if you call that economic impact or an environmental impact, but I estimate the spending flows. I don't estimate all the potential impacts. But it's a question what you classify as economic versus other.

Q. Well, I mean, just as an example, you indicate that you're going to study the indirect impacts, right?

A. Uh-huh.

Q. And you've been in the room today, haven't you?

A. Yes.

Q. And you've heard a number of homeowners indicate how

they have an ongoing economic impact from the ability to tear --- to cut down the trees on their property every so often over the life of the property?

A. Yes.

Q. And how there's a loss of that revenue as associated with there being now an easement on their property?

A. Yes.

Q. And you have not calculated the negative of that indirect impact on the economic benefits of the project, have you?

A. I have not.

Q. Okay.

A. In economics, it's common. By the way, it's also common in economics to use the portal even if you're just a single author. That's not me just doing that. It's actually pretty common in journals. But when you say an economic impact study, this is what's generally meant in economics by that.

Q. Well, but that means that you're always going to end up in a situation where you're always going to be producing a positive number.

A. Well, I'm not providing an overall cost benefit analysis. I'm just saying this is the economic footprint of MARL. I mean, it's going to spend this much money directly. The broader spending impact, the broader

employment impact will be that. But I'm not providing an overall cost benefit analysis of these benefits versus any other potential costs.

Q. Well, but an economic impact can be positive or negative. Something can negatively impact economics or positively impact economics and both of those are an impact, are they not?

A. Not if you're looking at spending flows. If you inject spending into a region, it's going to create more spending.

Q. So then instead of calling it an economic impact, we could call it the spending impact?

A. You could.

Q. Okay. So then in terms of looking at --- I want to go back through because I want to make sure that I understand some of these numbers that are here. And I'm going to ask you --- a lot of my questions are going to be are these your numbers or were these numbers given to you by NEET, okay?

A. Uh-huh.

Q. So let's go to your Direct Testimony at page four.

A. Okay. You prefer that rather than the report itself?

Q. I'm happy for you to say I'd prefer to be here, but I'm --- I'm --- I'm --- I am currently on page four of

your Direct Testimony. So if you ---
A. Okay.
Q. --- say instead, let's go to your report to page, you tell me.
A. Well, the numbers --- the numbers are the same, but --- it's okay. Let's go with the testimony. It's the same numbers. It's just I personally am kind of more familiar with the way that I structure it in my report rather than this, but it's okay.
Q. Okay. Well, I'm on --- I am on line seven.
A. What was the page again, 333?
Q. Page four, Bates number 3333.
A. 3333, line seven?
Q. Correct. It says the total construction cost of the project is $102.2 million. Is that your number or NEET's number?
A. NEET's number.
Q. Okay. Is that what you understand to be the total cost of the entire construction of the project or is that just some portion that's estimated for some ---?
A. The West Virginia portion. It's not other states, but that's what I understand the total cost of the West Virginia portion to be.
Q. Okay. And so --- so you estimate that there's going to be 102 point --- you are --- you were told that the

project was going to have $102.2 million in spending in West Virginia?
A. Yes.
Q. Then if I look above that at lines five to six, it says that the project will support a cumulative total of $134.7 million in spending in West Virginia, 2025 dollars. Is that your number or NEET's number?
A. Well, again, I estimated the indirect and induced impacts based on their estimate of the direct impact. So the difference between those two numbers is what I estimated, which is the indirect and induced impacts.
Q. Okay. So is $134.7 a number that was given to you or one that you calculated?
A. I calculated it.
Q. Okay. So that's your number?
A. Again, because it's --- because it's the function of the indirect and induced impacts.
Q. Okay. So then I think you said earlier that in IMPLAN, you checked the box indicate that when you were calculating this project, that you checked the box for typical expenditures in the state for, I think you said, energy transmission projects, is that right?
A. Well, the model's calibrated based on industry. So anytime you run a model in IMPLAN, you, you know, base it on a particular industry.

Q. Okay. And so when --- so my question is that you --- you click the button so that when IMPLAN ran its search, it would do it for that specific energy transmission project industry; correct?
A. Yes.
Q. Okay. Is that nationwide, international, West Virginia specific?
A. It's West Virginia specific. It has nothing to do with international at all, but it's West Virginia specific.
Q. Okay. So have you been paying attention to the hearing the last several days?
A. No.
Q. Okay. So there was --- I will represent to you what I understand the testimony to be and, you know, the record will obviously speak for itself. But there were a lot of questions earlier in the hearing of NEET witnesses asking them about trying to understand the --- the --- these numbers and whether or not they were real numbers or whether they were your estimated numbers. And ---
A. Uh-huh.
Q. --- and the response I think I heard repeatedly is they haven't gone out to bid on this project yet. Were you aware of that, that they have not yet gone out to bid to determine who their contractor would be for this

project?
A. No, but they do this stuff all the time. So I assume that their estimated values are reasonable.
Q. Okay. So let me back up though. You have routinely filed similar reports to this on behalf of the two incumbent electric utilities in the state, APCo and First Energy, have you not, in other types of projects?
A. Definitely FirstEnergy.
Q. You --- for example, didn't you file one recently for their CPCN filing?
A. Yes.
Q. Okay. And so you're aware, are you not, that the utilities in the state often have agreements with certain unions that obligate them to go to those unions to perform certain construction work?
A. Yes.
Q. And so are those union contracts that exist as between FirstEnergy and APCo going to require NEET to use those unionized workers in West Virginia?
A. I have no idea. That's not --- that's beyond the scope of my analysis.
Q. So to the extent that your IMPLAN checkbox is basing a lot of its determination as to the number of construction jobs that would exist in West Virginia, based upon past experience with APCo and FirstEnergy, who

have agreements with unionized workforces, that may not be applicable to this NEET project and its selection of contractors for its construction of this line. Isn't that true?
A. My numbers are based on averages. I mean, any actual project can deviate from the average.
Q. But that average is determined based upon West Virginia specific inputs. Isn't that what ---
A. Yes.
Q. --- you indicated?
A. Yes.
Q. And so you have no idea whether those inputs upon which your analysis is based have any carry forward to the numbers that you've put forward here other than they are what they are. Because I think, as you indicated in response to my prior colleague, you have not assessed the underlying data in the IMPLAN program; is that correct?
A. The economy's fairly stable in West Virginia. I mean, the underlying fundamental structure of the economy is not changing that rapidly. That's kind of what I do almost on a full-time basis. So the average that existed over the past few years, I would be very surprised if it would change significantly ---
Q. If the average of what?
A. The average of expenditure flows in any specific

industry in this state.
Q. Well, but I thought you checked a specific box for energy transmission.
A. Yeah. So that --- that industry or any other industry. I mean, these fundamental averages are pretty stable.
Q. How can you know if they're stable?
A. Because that's what I do for a full-time job is study the West Virginia economy.
Q. So when's the last time you've produced a report for an energy transmission project?
A. I study all aspects of the West Virginia economy. I'm not saying that just based on reports for energy transmission projects.
Q. So does that mean you don't know the last time you've done an energy transmission project?
A. I do all --- I do these all the time. I'm literally working on an energy transmission project now. But I don't know exactly the last time I did one. I don't recall.
Q. Prior to the one that you're currently working on and this present one in this case, you can't recall the last time you've done one?
A. I cannot. That's how many of these I do.
Q. But you believe that nothing has changed, even

though you can't remember the last time you looked at it?
A. Did I say nothing?
Q. You said they stayed steady.
A. I said the economy's pretty stable.
Q. Okay.

CHAIR:

Ms. Grundmann?

ATTORNEY GRUNDMANN:

Yes, ma'am.

CHAIR:

When you speak, could you slow down a little bit?

ATTORNEY GRUNDMANN:

I can. Surely can.

CHAIR:

Thank you.

ATTORNEY GRUNDMANN:

I can.

ATTORNEY HANNA:

She told you to slow down.

ATTORNEY GRUNDMANN:

I heard that once or twice before.

BY ATTORNEY GRUNDMANN:

Q. Okay. So it's fair to say that your estimate of the number of construction workers that would be West

Virginia construction workers is based upon an average that is produced by the IMPLAN?
A. Yes.
Q. As someone who has studied a number of different projects, and I think you had indicated previously that you've often covered projects that are multistate in nature, ---
A. Uh-huh.
Q. --- would you expect with a project like this that spans, I believe, four states, that it would be most common for NEET to want to enter into a contract with a single entity to cover all portions of this project?
A. I'm not for sure. That --- you'd have to ask them that.
Q. But that would obviously potentially have a humongous impact, would it not, on the economic inputs that you've calculated, if, for example, NEET were to contract with a Virginia contractor to perform all of this work?
A. I mean, it could have some impact. I mean, wages in Virginia are higher than they are in West Virginia. So if they were to do that, their labor costs would probably be higher, thus the impacts would be larger.
Q. But not all of those dollars would flow necessarily directly through West Virginia in the way you've

estimated?
A. Well, that's true. I mean, that's --- again, as I said a second ago to the other gentleman, that's a possibility.
Q. So it's fair to say that your analysis here and the estimate of the benefits that you identify, this is probably a best case scenario; correct?
A. No. This is a scenario based on averages. It could be better or worse.
Q. I guess I --- I --- I keep getting hung up on this average, right. It's the averages that are produced by the IMPLAN.
A. Yeah. They're calculated within IMPLAN, yes.
Q. But you don't understand how those averages were --- were --- were ultimately identified by IMPLAN?
A. No, I do understand. They look at over 100 industries and they look at, you know, this industry buys this many inputs from this other industry. It buys this many inputs from this --- from industry B. It buys this many inputs from industry C. And it's looking at how those upstream expenditure flows, you know, happen.
Q. So are you aware that in certain circumstances, there are sometimes requirements that obligate a certain supplier to purchase upstream for a certain set of suppliers?

A. That --- that's reflected in the data, of course.
Q. And so in this case, have you done anything to analyze whether the data, which may incorporate certain assumptions or requirements for purchasing from certain suppliers or certain types of employment, whether any of those assumptions embedded in IMPLAN are or are not applicable to this project here?
A. So for about the third or fourth time, this study is based on averages. If their expenditure patterns deviate from the averages, then the indirect and induced impacts that actually happen will be --- will also deviate from --- from the norm, from the average.
Q. I think that you and I are talking past each other. So what I'm saying is the averages in IMPLAN are based upon inputs to IMPLAN. And what I'm asking is, is if an input --- for example, there was a series --- there was a number of instances where projects were required to use, like for example, in state labor.
A. Uh-huh.
Q. If --- if a lot of the utility related projects for APCo or FirstEnergy had that requirement, in part because they have agreements with unions that require them to bargain with the union first, the average upon which IMPLAN would conduct a calculation would be based upon that underlying data. Isn't that true?

A. That's exactly what I said like three questions ago. That's exactly what I said.
Q. And so if your average is based upon a set of facts that would never exist for this project, then that would mean those averages aren't apples to apples for the impact of this project?
A. So for about the fifth time, this is based on average patterns that exist within West Virginia. If this project actually deviates from the average when it actually comes to happen in a couple years, if it's approved, then the actual induced and indirect impacts will --- will differ. It's based on averages.

ATTORNEY GRUNDMANN:

Okay. No further questions.

A. Literally every economic forecast is based on averages.

ATTORNEY GRUNDMANN:

That's all the questions I have.

CHAIR:

Thank you. Mr. McGhee.

ATTORNEY MCGHEE:

No questions.

CHAIR:

Mr. Stephens.

ATTORNEY STEPHENS:

Thank you, Madam Chairman.

CROSS EXAMINATION

BY ATTORNEY STEPHENS:

Q. Hi, Dr. Deskins.

A. Hi.

Q. Bradley Stephens here. I represent the County Commissions and Ponderosa Pastures Corporation in this case. Mr. Hanna and Ms. Grundmann covered most of the territory I was aiming to. So I'll be very brief, I think, but I have maybe two or three questions for you. You mentioned, I believe, with a very broad brush, that you didn't account for any potential cost or negative impacts that could be imposed by this project; correct?

A. Yes, correct.

Q. So that would include out of necessity any potential diminution in real property value as --- as a result of the presence of any MARL infrastructure?

A. Correct.

Q. It would include that? Okay. And in Table 6, you went over that a little bit with Mr. Hanna. You mentioned in the context, I think there --- and I was looking at your report there, Table 6, that, of course, utility property, the value will depreciate over time. And I assume that's why when we look at Table 6, we see a sort of a slope downward over time of the tax revenue;

correct?
A. Yes.
Q. You --- you --- you offer --- and it was the ---.
A. I'm sorry. That last thing, I'll just say I do state that directly ---
Q. Okay.
A. --- in the ext. Just your --- just to follow up on your last question. It said indirectly just two --- two lines above the figure.
Q. Okay. I --- I just wanted to confirm that.
A. That's okay.
Q. Yeah.
A. I just wanted to make sure my answer was full.
Q. Sure. Thank you. You --- you --- you did say, I believe it was your testimony that the $116.2 million figure for property tax payments flowing to the respective counties over time, that was provided to you by NextEra, right?
A. Yes.
Q. Is that in --- I mean, I guess maybe it's complicated by the fact that we've got depreciation working in. But is that --- do you understand that figure to be --- and your report was performed --- was conducted in 2025, was completed then, is that in 2025 dollars or is that adjusted over time for projected

inflation? What is that amount like in the long run?
A. All the numbers before Table 6 are adjusted for inflation. They're all expressed in 2025 dollars. I'm actually not for sure right off hand about the Table 6 data.
Q. And would that be just because --- short answer, wouldn't it be that NextEra handed you that $116.2 million and said run with it?
A. That's correct for the short answer. But just based on my intuition after having been an economist for 23 years, I'm assuming they --- they are adjusted for inflation just based on what the data looked like, but I'm not for sure.

ATTORNEY STEPHENS:

Okay. I believe that's all I have. Thank you.

CHAIR:

Mr. Williams.

CROSS EXAMINATION

BY ATTORNEY WILLIAMS:

Q. I apologize. This is going to tread over some of the same things, but I just want to make sure I understand all I've heard from the other responses. I'm just looking at your summary on page 333 --- 3333, which is page 4 of your --- of your testimony. You're saying

that the project will support total of $134.7 million spending in West Virginia dollars. That's just talking about the section that was being built in West Virginia, correct, for a four state project?
A. We're talking about page Roman numeral form?
Q. Page four.
A. Oh, I'm sorry. I thought you said the summary.
Q. I'm actually in your testimony. I'm sorry.
A. Oh, I'm sorry. I'm sorry. Can you say that again now that I've got to the right page?
Q. So, now you're talking about cumulative spending of $134.7 million. You're saying that's how much is going to be spent on the section of ---
A. No.
Q. --- lines built ---
A. No, no.
Q. --- in West Virginia?
A. No. The $102.2 is the estimated expenditures on construction.
Q. On construction.
A. But that's going to bleed over through indirect and induced impacts to create another $32,000,000 in spending. Thus the $134.7 in the total economic footprint of the construction process.
Q. And when you're talking about of that $102,000,000

in construction, I'm assuming $36.7 million would be the wages for the workers on it and the rest of it would be equipment?
A. Yes, equipment and other things, but yes.
Q. Things including buying ---?
A. It does not include land purchases or --- or easement --- any direct payments to landholders is actually not included. This is just the construction.
Q. And that $36.7 million in wages earned, are you presuming that's all being done by West Virginia workers since it's being built in West Virginia or is that just a percentage?
A. No, it's all --- it's --- they're working in West Virginia, so those construction jobs are actually counted as West Virginia jobs. But if the workers originated in some other state, that's something we don't know.
Q. And since these are being --- work being done in border towns where people regularly go and work in Pennsylvania. Pennsylvania people come work in West Virginia. Same thing in Maryland. So that's just total earnings that they get. That doesn't mean that they pay West Virginia taxes, that they live in West Virginia or that that's any sort of direct benefit to West Virginia?
A. Yeah. It' s--- I mean, the money that they receive, we're assuming that those expenditures follow the typical

expenditure flows of the --- of the West Virginia residents. But we don't know for sure whether they live here, whether they live in Maryland. That's --- that's a limitation that we cannot know for sure.

Q. Unless there was some sort of condition imposed on NextEra to hire a certain percentage of West Virginia workers?

A. I mean, I suppose. I mean, if --- if we knew for sure that they lived in West Virginia, that would give us more certainty.

Q. Same thing with the how much you're buying on equipment. If the suppliers are coming from other states, that wouldn't necessarily mean that that is revenue earned in West Virginia for the revenue ---?

A. Well, the model is already assuming that a lot of the money flows out of state. That's why the multiplier, --- if you'll notice, the multiplier is about 1.3, which indicates that a lot of the money is expected to --- to flow out of the state, purchases of various inputs, raw materials are already being assumed to flow outwards. That's --- that's what the model's kind of all about is --- is how much of that upstream spending spend stays in the state versus how much it goes out of the state.

Q. Okay.

So you're assuming of that $134.7 million, $102 ---

$102.2 million --- $102.2 million of total construction cost, that a good bit of that's going to be bleeding out to other states?

A. Yes. And that's already based on, I --- you know, I --- I cringe at the thought of uttering this word again, but that's already based on industry averages. The --- the model's already taken into account for this industry on average how many of its inputs flow out of state versus how much --- how many of its inputs flow into the state.

Q. And so like when Ms. Grundmann was saying that, your model is also based on a limited number of projects in West Virginia?

A. Well, it's based on that industry. It's based on that industry as a whole in West Virginia. But yeah, that is limited. Everything in the West Virginia economy is finite. So, yes.

Q. And they may have had different parameters and requirements that NEET MA does not have to follow?

A. No, it's based on what the economy looks like today.

Q. Let me ask when I'm going through the same thing, so I understand the other part of it. When you're talking about the direct operating expenditures in the paragraph below of $1.1 million annually, that's how much you're seeing is being done to maintain the line, keep the right

ways open, ---
A. Well, again, that's an input ---.
Q. --- work on ---.
A. That's an input from MARL. The $1.1 million is what they estimate that they will have to spend to maintain the line. Then I'm estimating how much that $1.1 million will bleed over to create additional economic benefits in the state.
Q. But those contractors that are performing that could actually --- or workers could actually live in other states, coming from other states?
A. Yes, that's a possibility.
Q. And when you're talking about the supporting three in state jobs, you're not necessarily saying that there's three people working because you're talking about .8 of a person being a West Virginia worker.
A. Well, that job is --- is accounted as a West Virginia job. If you work in West Virginia and --- like --- like anybody. If --- if I work in a restaurant in Morgantown, but if I live in Pennsylvania, that's a West Virginia job. That's the standard definition based on Bureau of Labor Statistics numbers. But the person, you know, that person could be in commuting.
Q. Okay. And as we said earlier, since you didn't include negative impacts, if this has any negative impact

during construction or after construction on tourism in West Virginia, you haven't considered that whatsoever in your analysis?

A. Yeah. All I've considered is how the spending flows to the broader economy.

ATTORNEY WILLIAMS:

Thank you.

CHAIR:

Okay. We are going to take a 15 minute break and then we will come back and resume. Is that going to mess your schedule up?

A. No, no. I just can't --- I am booked tomorrow, but I'm good today.

CHAIR:

Okay.

A. And thank you for accompanying me, by the way.

CHAIR:

Oh, you're welcome.

SHORT BREAK TAKEN

CHAIR:

You all may sit down. Ms. Wilson or Mr. Head. Mr. Head.

CROSS EXAMINATION

BY ATTORNEY HEAD

Q. I'll --- I'll make this brief because all the

questions that we had were --- were mostly asked, but --- so back to the averages. I --- I understand what --- what you were saying about economics seems to be all averages. You mentioned that there was --- that this IMPLAN software, there were, quote unquote, boxes to check for energy transmission projects versus, I guess, like, a --- a new manufacturing facility was built, something like that. So when --- when you check the --- the energy transmission facility box, what --- what's the difference in implant with that, like, just from a high level, like, compared to like a new factory being built?
A. Well, there's, you know, there's over 100 industries. I don't know exactly how many industries are calibrated within IMPLAN, but at least 100, maybe a couple hundred. But again, say we have $100 --- say we have $1,000,000 dollars' worth of spending in energy versus $100,000,000 dollars' worth of spending in textile manufacturing versus $100 or $1,000,000 dollars' worth of spending in leisure and hospitality in restaurants. The model is looking at how those different businesses in those industries are buying inputs and where those input purchases are going. How many of those --- so --- so industry X, it has $1,000,000 dollars in spending. How much of that $1,000,000 dollars is going to purchase inputs from industry A, B, C? And it also incorporates

flows that are happening in state versus out of state.
Q. So I know you said you didn't put the rate impact in there, but do --- do you know if --- well, let me take a step back. So in this application for an energy transmission project, within the application there are tables that have the average increase to electric bills for all the classes of customers because of this line. And that's --- is that not spending? I mean, if a worker building MARL spends $5 at a local food cart or $5 extra on his electric bill every month, I don't know, does that not logically follow that that should be incorporated in a study like this?
A. It could be incorporated. I asked the question --- I answered the questions that people ask me. But that --- something like that could be incorporated in an economic analysis. I don't have those data now. I think you said they're in another part of the testimony, but I don't have them now. But I certainly didn't have them a year ago when I produced this report. But something like that could be incorporated, yes.
Q. If there's a suggestions box maybe in IMPLAN.
A. Well, it comes from the client. You can --- you can --- you can literally call me tomorrow and ask me to answer an economic question. I would do it. I'll answer the question that you ask me.

Q. Sure, and I appreciate it. Thank you.
A. Yep.
ATTORNEY HEAD:
That's all.
CHAIR:
Interveners. Are there any Interveners who wish to question Dr. Deskins? Yes, sir.
MR. WOTRING:
I like getting electrical in here. Okay. Thank you, Madam Chairman, Mr. Deskins.
CROSS EXAMINATION
BY MR. WOTRING:
Q. In your testimony there ---.
CHAIR:
Okay. Please state your name again, please, for the record.
MR. WOTRING:
Oh, sure. I apologize. John Wotring, Intervener, Hampshire County, West Virginia. Is that better?
CHAIR:
Yes.
MR. WOTRING:
Okay.
BY MR. WOTRING:

Q. I --- in your --- in your testimony, I think you stated 175 direct construction jobs and 89 downflow, indirect. Is it safe to assume that after the construction project is completed that those are temporary economic benefits, and other than the other items you put in about the three jobs and the $1.1 million, that would be permanent, but the other part of it is temporary?
A. Yes, absolutely temporary. I mean, all construction jobs are temporary, so yes.
Q. So that goes away after the construction is complete.
A. Yes.
Q. Okay.
A. And I --- I differentiated report between temporary construction impacts versus permanent impacts of ongoing operations.
Q. Understood. And this may be a more general question just to anybody, but primarily, you know, maybe the board. And it's just for my understanding as an Intervener, because it's --- keep it simple, stupid for me. As I understand it, this transmission line is generating from a power plant in Pennsylvania. Is it safe to assume then that the majority of the permanent economic benefit on that side of the line is to the state

of Pennsylvania in terms of employment, revenue and tax benefits? I'm assuming ---.

A. Is that a general question or a question ---?

MR. WOTRING:

Yeah, just a general question for anybody.

ATTORNEY PRESLEY:

Objection. I think that might go beyond Dr. Deskins's testimony.

CHAIR:

Well, let's see if he can ask it. I mean, answer it.

A. Well, I want to see --- it starts in Greene County, Pennsylvania. Is that right? Am I remembering the starting point correctly without looking at my testimony? I mean, I want to see what the expenditures are there associated with the beginning of the --- of the line. If there's a power plant there, power plants going to spend a lot of money. I've done a lot of economic impact studies related to power plants. So if there's a power plant there at the beginning, then the impacts would be pretty large.

BY MR. WOTRING:

Q. And --- and so, you know, the tax, the revenue, the employment benefits go to Pennsylvania. I think we can generally assume that. Will that ---?

A. Well, if there's a power plant on the end, that power plant would have a lot of spending if it's located in Pennsylvania. I don't --- I don't know exactly what the plan is. I don't know if there's any additional businesses that are feeding into the line within West Virginia, but if that's what's at the beginning, then that economic impact would be large.

Q. And I think we can --- based on the prior testimony, there are no substations running through West Virginia. So I'll jump to the other end of the power line with all of the power going essentially to the data centers in Northern Virginia. So I think it's safe that we can assume that all the tax revenue and employment benefits on the other side of this line are going to the state of Virginia. So am I --- and this is just an observation. So I, as a landowner, am being asked to give up the rights to my property to benefit two states that West Virginia will get, other than what you have stated, the short term and some long-term economic benefit from. It would seem to me that NextEra could have at least done the currency of running the line through Pennsylvania and down into Virginia rather than coming to West Virginia that gets, in terms of the majority of the benefits, nothing. And so I'm just making that observation. It just doesn't seem to make common sense to me.

ATTORNEY PRESLEY:

Objection. This is really beyond the scope of Dr. Deskins's testimony and --- and his testimony.

MR. WOTRING:

That was an observation rather than a question.

ATTORNEY PRESLEY:

It's testimony.

CHAIR:

That's okay. We will allow it in. But you're right, it was not a question.

MR. WOTRING:

Thank you very much. That's all I have.

CHAIR:

Next, Intervener. Okay. Interveners on remote. Ms. Gruber.

MS. GRUBER:

I have nothing. Thank you, ma'am.

CHAIR:

Ms. Blancato.

MS. BLANCATO:

No questions for me. Thank you.

CHAIR:

Commissioner Larrick.

COMMISSIONER LARRICK:

No questions.

CHAIR:

Commissioner Raney.

COMMISSIONER RANEY:

Yes, ma'am, a couple of things. Perhaps, like Mr. Wotring, they're observations more than questions, but you --- well, first of all, let me ask you, you said earlier, I think, to Mr. Williams that if you live in Morgantown --- no, if you live in Pennsylvania and you're waiting tables in West Virginia, that's a West Virginia job.

A. Yes.

COMMISSIONER RANEY:

Do you pay taxes in Pennsylvania or do you pay taxes in West Virginia?

A. I'm pretty sure you pay taxes in West Virginia. You --- so it's complicated, but if the tax rate is higher in Pennsylvania than it is in West Virginia, I think you pay --- let's just --- let's just suppose it's five percent in West Virginia, ten percent in Pennsylvania. You'll pay West Virginia taxes based on our tax rate and you may even pay a premium in Pennsylvania for, you know, to meet their tax rate, but you're exempted from --- from that lower five percent. I'm pretty sure that's right,

although I haven't reviewed that for today. But if the job's in West Virginia, yes, I'm almost certain you'll pay taxes there and maybe even additional taxes.

COMMISSIONER RANEY:

So it's --- if you are physically doing the job in West Virginia, it's a West Virginia job?

A. Yes. And I mean, just for example, just to illustrate, you know, baseball players are paying taxes all over the country. Like if you're paying --- if you're playing for the brewers, but if you play a game in Boston at the Red Sox, you actually pay Massachusetts income taxes on --- you know, if there's 100 games, if you play 2 games in Boston, you pay Massachusetts income taxes on those games you play in Boston, just to illustrate.

COMMISSIONER RANEY:

Is that right?

A. So if you want to be a tax accountant for a baseball player because it's complicated.

COMMISSIONER RANEY:

I have no interest in that. Anyway, that's just curious. I know --- because there's a whole gang of folks that work in Morgantown that live in Maryland and Pennsylvania.

A. Yep.

COMMISSIONER RANEY:

Earlier, you answered the property tax question correctly so that we didn't have to have any further discussion about it. So --- and I'm very, very much surprised that you had something better to do the last two days than watch this hearing.

A. This has kind of hit me at a busy time of the year.

COMMISSIONER RANEY:

Thank you, John. It's good to see you.

A. Good to see you as always.

COMMISSIONER RANEY:

Thank you, Madam Chair.

CHAIR:

I don't have any questions. I was going to ask the question that Commissioner Raney asked about. If you work in West Virginia, you pay West Virginia taxes?

A. Yes.

CHAIR:

Okay, thank you.

A. Thank you.

CHAIR:

Oh, wait a minute. We have Redirect, Mr. Presley.

ATTORNEY PRESLEY:

No Redirect, Your Honor.

CHAIR:

Okay. Thank you for all of your work.

A. Thank you. I'll probably see you again pretty soon.

CHAIR:

Now we're back on regular schedule. Dr. Israel.

ATTORNEY CALLAS:

Yes.

COMMISSIONER RANEY:

No, no. We're --- we've got Ms. Menhorn that needs to ---.

ATTORNEY CALLAS:

No.

CHAIR:

Oh.

ATTORNEY CALLAS:

No, I --- I think Israel, Lee, and Ollson are next in line and Menhorn is last, I believe.

COMMISSIONER RANEY:

Well, I don't know. The list I've got here had Menhorn before Deskins.

ATTORNEY CALLAS:

Yeah. That's not where you're ---.

COMMISSIONER RANEY:

Okay. No, I'm sorry. You're right. The doctors come first and then we --- we jumped Deskins ahead.

ATTORNEY CALLAS:

Yes, that's right.

COMMISSIONER RANEY:

Okay, all right.

ATTORNEY CALLAS:

If ---.

CHAIR:

Don't confuse me.

COMMISSIONER RANEY:

I'm sorry.

CHAIR:

No, that's okay.

COMMISSIONER RANEY:

I got confused.

CHAIR:

It's that time of day.

ATTORNEY CALLAS:

I have a little bit of explanation I'd like to offer about the next three witnesses. If you don't mind, I'd like to invite Mr. Renner, Curt Renner, who's --- who's pro hoc vice motion of mine was granted on Monday morning to sit beside me. He's going to handle

the first two witnesses, Dr. Israel and Dr. Lee.

Let me --- I think it will be --- benefit the process and the --- the folks that intend to ask questions of these next three witnesses to know what each of them is testifying about and the particulars of their expertise, because they're all testifying, at least to some extent about the question of electric fields and magnetic fields. You'll hear that lumped together as EMF.

Dr. Israel's testimony addresses effectively laboratory based EMF research and the effects of EMF, if any, on related cancer development, kind of at the cellular level and through laboratory analysis. And Dr. Israel has taken the stand now. He'll be followed by Dr. Lee, whose testimony is really distinct from that and goes to epidemiological studies or review of them as a medical epidemiologist, focusing on human population studies, not laboratory investigations and the effects that have been determined or the investigation of effects of EMF on human populations as it relates to cancer. And then finally, Dr. Ollson, who I will --- will offer as a witness, addresses both audible noise concerns and the EMF effects on livestock, which is a separate EMF issue. So I hope that will help direct questions to these witnesses best. With that, I turn it over to Mr. Renner.

CHAIR:

Would you spell your name, please?

ATTORNEY RENNER:

Yes, Your Honor. Thank you for having me. It's Renner, R-E-N-N-E-R.

CHAIR:

Okay, thank you.

ATTORNEY RENNER:

Thank you. May I proceed, Your Honor?

CHAIR:

Yes.

ATTORNEY RENNER:

Thank you.

COURT REPORTER:

Wait, wait. I need to swear him in.

ATTORNEY RENNER:

Oh, thank you.

COURT REPORTER:

Can you please raise your right hand?

MARK ISRAEL, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

A. Is this on? Okay.

MR. HOCKMAN:

You might move it closer to you. It's directional, so you have to get right up on it.

A. Thank you. Okie-doke.

DIRECT EXAMINATION

BY ATTORNEY RENNER:

Q. All right. Good afternoon, Dr. Israel. Could you state your name and your business address for the record please?

A. My name is Mark Israel and my address is 310 Strand Street, Alexandria, Virginia.

Q. And how are you employed?

A. I'm employed as an individual consultant here.

Q. Did you prepare some Rebuttal Pre-Filed Testimony in this case on behalf of NEET?

A. I did.

Q. And you have that testimony in front of you?

A. I do.

Q. Do you have any corrections that you need to make to the testimony?

A. There is one typo I'd like to correct. It's on page 11, line 20. There's reference to a scientific citation, Loberg. I think it's 2000 there. It should be Loberg 1999. Page 11, line 20.

Q. Thank you, Dr. Israel. Was the pre-filed Rebuttal Testimony prepared by you or under your direct

supervision?
A. It was.
Q. And if you were asked this afternoon the same questions that appear in the written testimony, would you provide the same answers that appear there with the exception of the correction you just made?
A. Yes.
Q. And do you request that your pre-filed testimony be adopted as your sworn testimony?

CHAIR:

Oh, Mr. Renner, it's already been admitted into the record.

ATTORNEY RENNER:

Thank you, Your Honor. The witness is available for Cross Examination.

CHAIR:

Mr. Hanna.

ATTORNEY HANNA:

No questions. Thank you.

CHAIR:

Mr. Harkins.

ATTORNEY HARKINS:

No questions. Thank you.

CHAIR:

Ms. Grundmann.

ATTORNEY GRUNDMANN:

No questions.

CHAIR:

Mr. McGhee.

ATTORNEY MCGHEE:

No questions.

CHAIR:

Mr. Stephens.

ATTORNEY STEPHENS:

No questions.

CHAIR:

Mr. Williams. Mr. Auville.

ATTORNEY AUVILLE:

No questions, Your Honor. Thank you.

CHAIR:

Ms. Wilson.

ATTORNEY WILSON:

I just have just a couple of brief questions.

CHAIR:

Oh, good.

CROSS EXAMINATION

BY ATTORNEY WILSON:

Q. Have you previously testified before the West Virginia Public Service Commission or any other state or

federal regulatory Commissions?
A. I've not testified in West Virginia and I have testified before another PUC, but it was a very long time ago, and I don't recall what state or what the circumstances were.
Q. Okay. Have you testified on behalf of NEET MA or any of its other parents or affiliates or any of its other family companies before?
A. I don't believe so, no.
Q. Okay. And could I ask you, would you personally have any concerns about living near a transmission line?
A. No.

ATTORNEY WILSON:

All right. Thank you. No further questions.

CHAIR:

Interveners. Are there any Interveners who wish to question this witness? Ms. Gruber. Ms. Blancato.

MS. BLANCATO:

No. Thank you, Your Honor.

CHAIR:

Commissioner Larrick.

COMMISSIONER LARRICK:

No questions.

CHAIR:

Commissioner Raney.

COMMISSIONER RANEY:

Just --- just one. Dr. Israel, I don't want you to get off too easy. You've been sitting here all day, bless your heart.

A. Thank you so much.

COMMISSIONER RANEY:

Your patience. I go over this, page 16 on your testimony and the question was have you reviewed information about the EMF levels from the MARL project. And you seem to be pretty conclusive and I'm curious. This thing hadn't even been built yet, but you feel from the --- your exposure to the literature regarding this stuff that the way MARL is designed, it's going to be all right. I mean, are --- are you going to come back here in ten years and check it out to see if this stuff is right?

A. Commissioner, I think there --- it's a good question. I think there are a couple of pieces to the answer. The first is that I was informed, I believe it was through Dr. Givens testimony, of what the anticipated levels at the right of way and under the line would be. So I'm familiar with the levels to that degree.

And secondly, my testimony is really a reflection of

the available scientific information now. And as I had indicated in the testimony, there have been thousands of studies done in the area that I have expertise and none of these provide a reliable basis for concluding that there could be a impact on the incidence of cancer. So I'm pretty confident --- I'm very confident in recording what we can know today.

COMMISSIONER RANEY:

Based on the numbers you were given?

A. That's right.

COMMISSIONER RANEY:

Yeah.

A. But I would say this, and maybe I'm going too far. My review of the literature did not identify any particular level at which there were health impacts.

COMMISSIONER RANEY:

I see, okay. Thank you, sir. It's nice to see you, Dr. Israel. Thank you, Madam Chairman.

A. You're welcome.

MR. BROWN:

Madam Chairman, over here. I believe that Ms. Gruber has raised her hand.

CHAIR:

Ms. Gruber, do you have some questions of this witness?

MS. GRUBER:

Yes, ma'am. Just one. I apologize. I couldn't get my computer to work.

CROSS EXAMINATION

BY MS. GRUBER:

Q. My question is, are there --- you're the expert in your field, and do the other people in your field, your --- your colleagues and your competitors, would they agree with your opinion in this --- in this matter or would I be able to find studies that oppose what you say?

A. It's hard for me to answer whether what other people would have to say, but I know in a field that's this wide, as I indicated to Commissioner Raney, a field in which there have been thousands of scientific publications, I can assure you that there are other points of view. But I have no doubt that my colleagues when I was a Public Health Services Officer at the National Institutes of Health, my colleagues when I was a distinguished professor of cancer medicine at the University of California, and my colleagues at Dartmouth Medical School, where I was the Cancer Center Director, would agree with me because the science is very clear in this area. And so I'm totally confident in my opinion as offered up.

MS. GRUBER:

Thank you, sir. I appreciate that. That's all, ma'am.

CHAIR:

As I understand your testimony, you have 30 to 40 years of experience doing research on this particular subject and as a result of that expertise, you are telling us today that you don't have any real concerns about this project from the E --- I forget what it's called.

A. EMF?

CHAIR:

EMF.

A. Commissioner Lane, that's correct. I --- just for transparency, though, I want to --- I want to comment that my area of research for the past 40 years has been on the molecular basis for the origin and causes of childhood cancers. And I personally have not done experiments studying EMF as a precipitant of cancer. But it's been that long, more than 40 years, that I have first become familiar with the literature and continue to follow that because of its appropriateness for my field of interest, which is causes of childhood cancer. And so, yes, that's the basis for my opinion.

CHAIR:

Okay, thank you. Mr. Renner, do you have

Redirect?

ATTORNEY RENNER:

No Redirect, Your Honor.

CHAIR:

Okay, thank you. Thank you, Doctor.

A. You're welcome. Thank you.

CHAIR:

Mr. Renner, do you want to call your next witness?

ATTORNEY RENNER:

Yes, please, Your Honor. We call Dr. Nancy Lee.

COURT REPORTER:

Can you please raise your right hand? Can you please raise your right hand?

NANCY LEE, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY ATTORNEY RENNER:

Q. Good afternoon, Dr. Lee. Could you state your name and address for the record, please?

A. Sure. My name is Nancy Lee and I live at 336 12th Street Southeast in Washington, D.C. and ---

Q. Doctor --- sorry.
A. --- my work address as well.
Q. Dr. Lee, how are you employed?
A. I am self-employed as a Medical Epidemiological Consultant.
Q. And did you prepare some Rebuttal Pre-Filed Testimony on behalf of NextEra Energy Transmission ---
A. I did.
Q. --- in this case?
A. I did.
Q. Do you have that in front of you now?
A. Now, yes.
Q. Do you have any corrections that you need to make to the written testimony?
A. No.
Q. If I were to ask you this afternoon the same questions that appear in the written testimony, would you provide the same answers as they appear in the written testimony?
A. I would.
Q. And you've adopted your testimony, the written testimony as your testimony in this case; correct?
A. Correct.

ATTORNEY RENNER:

Your Honor, the witness is available for

Cross Examination.

CHAIR:

Mr. Hanna.

ATTORNEY HANNA:

No questions. Thank you.

CHAIR:

Mr. Harkins.

ATTORNEY HARKINS:

No questions. Thank you.

CHAIR:

Ms. Grundmann.

ATTORNEY WILSON:

No questions, Your Honor.

CHAIR:

Mr. McGhee.

ATTORNEY MCGHEE:

No questions, Your Honor.

CHAIR:

Mr. Stephens?

ATTORNEY STEPHENS:

No questions.

CHAIR:

Mr. Auville.

ATTORNEY AUVILLE:

I'll take a run at one.

CROSS EXAMINATION

BY ATTORNEY AUVILLE:

Q. On page 19 in your testimony, starting on line six, you have a sentence that starts the --- the WHO, which is the World Health Organization, reported that there was, quote, limited evidence of an association to childhood leukemia, but there's no cause or effect relationship that's been established. Is that limited evidence the reason why the International Agency for Cancer Research has classified low frequency magnetic fields as a Class 2B possible carcinogen?

A. Yes.

Q. Okay. And ---.

CHAIR:

Wait a minute. You need to say yes.

A. Yes. I --- my --- I normally speak very loud, so let me ---.

BY ATTORNEY AUVILLE:

Q. So --- and so --- and that's based upon some limited studies that show a relationship; is that --- that limited evidence is some epidemiological ---?

A. Yes, and that statement was made many, many years ago.

Q. Right. And so that's why it --- there's still no defined causal link, but they still say it's possible.

So they haven't completely eliminated the possibility?
A. IARC says that.
Q. Says?
A. That they haven't --- that it's possible.
Q. Okay, all right. That's all I have. Thank you.
A. Uh-huh.
Q. Actually, from my understanding, there was --- in those limited evidence, there was a consistent exposure limit to milligauss limit. Is --- is --- am I right on that? I think it was like the three to four milligauss exposure. Am I correct in that?
A. There are many, many studies of this topic in human health and there are many, many different exposure limits.
Q. Okay.
A. They're all in sort of that range.
Q. In that three to four milligauss range?
A. Yeah. And they use Micro Tesla.
Q. Oh, okay. Sorry.
A. Well, they're European, some of them.
Q. And that's specifically for childhood leukemia?
A. And for all the human studies, epidemiologic studies for cancer ---
Q. Okay.
A. --- that have been done.

ATTORNEY AUVILLE:

Okay, thank you.

A. Uh-huh.

CHAIR:

Ms. Wilson.

ATTORNEY WILSON:

Yes. Just --- just a couple of questions.

CROSS EXAMINATION

BY ATTORNEY WILSON:

Q. Have you previously testified before the Western Public Service Commission or any other state or federal regulatory commission?

A. I have not testified here in West Virginia. I know --- I recall I have testified in Pennsylvania and in Iowa.

Q. Okay.

A. Maybe --- maybe someplace else, nut those two I'm sure of.

Q. Okay. And have you ever testified on behalf of NEET MA or any of its parents or affiliate or any of its other, you know, family of companies?

A. No, I have not.

Q. Okay. And would you personally have any concerns about living next to a transmission line?

A. No.

ATTORNEY WILSON:

All right. Thank you.

CHAIR:

Interveners?

MS. GRUBER:

No questions, ma'am.

CHAIR:

Ms. Blancato.

MS. BLANCATO:

No, thank you.

CHAIR:

Commissioner Larrick.

COMMISSIONER LARRICK:

No questions.

CHAIR:

Commissioner Raney.

COMMISSIONER RANEY:

Yes, ma'am. Just one. Dr. Lee, nice to see you.

A. Nice to see you.

COMMISSIONER RANEY:

The same question I asked Dr. Israel. I presume your conclusion is based on your literature research since this line has not been built and we have no numbers to actually go verify what it's going to be.

A. Correct.

COMMISSIONER RANEY:

But --- but you are confident if it does what the designers say it's going to do, your conclusion is accurate?

A. And I believe in the estimates of the electrical engineers who have provided that.

COMMISSIONER RANEY:

Yes, ma'am. I understand that. Thank you very much.

A. Uh-huh.

COMMISSIONER RANEY:

Thank you, Madam Chairman.

CHAIR:

I don't have any questions. So Mr. Renner, do you have any Redirect?

ATTORNEY RENNER:

No Redirect, Your Honor. Thank you.

CHAIR:

Okay. Thank you, Doctor. You may be excused and thank you for coming.

A. Oh, and thank you for having me.

CHAIR:

Mr. Callas, you want to call Dr. Ollson?

ATTORNEY CALLAS:

Yes. We call Christopher Ollson to the stand.

COURT REPORTER:

Please raise your right hand.

CHRISTOPHER OLLSON, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY ATTORNEY CALLAS:

Q. Good afternoon, Dr. Ollson.

A. Good afternoon.

Q. Could you give your name and business address?

A. Yeah. It's Christopher Ollson, O-L-L-S-O-N. Business address is 49 Valridge with a V, Drive, Ancaster, Ontario, Canada.

Q. How are you employed, sir?

A. I'm self-employed under the company name Ollson Environmental Health Management.

Q. In that connection, did you cause be prepared pre-filed Rebuttal Testimony in this case?

A. I did.

Q. Do you have any corrections that you believe needs to be made to it today?

A. I do not.

Q. Okay. Do you ask the Commission to accept this pre-filed testimony, a copy of what should be in the book in front of you as your sworn testimony in this case?
A. I do.

ATTORNEY CALLAS:

With that, Your Honor, I offer Dr. Ollson for Cross.

CHAIR:

Mr. Hanna.

ATTORNEY HANNA:

No questions. Thank you.

CHAIR:

Mr. Harkins.

ATTORNEY HARKINS:

Just a few.

CROSS EXAMINATION

BY ATTORNEY HARKINS:

Q. I'm looking at page 11 of your Rebuttal Testimony. It says that the magnitude of the electric field from a 500kV line 400 feet from the center line would be close to zero. Did I read that correctly?
A. Sorry. On page 11 of the testimony?
Q. Yes.
A. For the corona levels, the --- I don't --- could you take me to the line? I don't believe that's what I said.

Q. Well, let me make sure I'm looking at yours ---
A. Yeah.
Q. --- and not someone else's.
A. On page 11, I have --- it starts with which an individual would not be expected, if that's the same page we're ---.
Q. I'm looking at 218.

ATTORNEY CALLAS:

Yeah. I think that's a different witness.

A. I believe that's a different witness, but I can --- if you want to take me to that, I can ---.

BY ATTORNEY HARKINS:

Q. No, no. I've got the wrong one. I apologize.
A. So I believe that's under Mr. Givens testimony.
Q. I apologize.
A. No worries.

ATTORNEY HARKINS:

Then I have no questions.

CHAIR:

Ms. Grundmann.

ATTORNEY GRUNDMANN:

No questions.

CHAIR:

Mr. McGhee.

ATTORNEY MCGHEE:

No questions.

CHAIR:

Mr. Stephens.

ATTORNEY STEPHENS:

No questions, Madam Chair. Thank you.

CHAIR:

Mr. Auville.

CROSS EXAMINATION

BY ATTORNEY AUVILLE:

Q. Good afternoon. I'm not sure if you can actually answer this, but Mr. Givens told me you could. So, I --- I asked him about the --- the --- the EMF levels, the magnetic --- magnetic levels at certain distances from the transmission line. We discussed it and it was like 47 milligauss at the right of way. And I asked him about like 200 feet from the edge of the right of way. He said you would know; is that correct?

A. Yeah, that's correct. So over the course of my career, I've probably reviewed somewhere in the neighborhood of 100 EMF reports, the engineering reports that, you know, you --- they --- they model or estimate based on the size of the line, the voltage, etcetera. In addition, I've also actually personally taken measurements under a 500kV line that was associated with a wind project. My estimate would be that if you're at -

-- so at the 48, give or take, 47 or 48, I believe, was that the right of way.
Q. Yes.
A. So that's 100 feet from the center line. If you were to come 200 feet from that, you'd expect to be in the low teens, somewhere between 10 and 15. If you were to move out to the 400 feet, you'd be down into kind of 2, 3, which would be the same level as we have here.
Q. And that's the --- the average load, not the peak load?
A. That --- that's right. So if you looked at the peak load and we could go to Mr. Givens' testimony. I believe it was about 140, give or take.
Q. Yeah.
A. 142, 142.
Q. I think it was.
A. There you go. So at 142 under peak load, which again, would be, you know, the sort of maximum that you see over that five year period, if you're at about 142 there at the 100 foot, you'd be give or take in the --- probably in the neighborhood of about 40 at the 200 feet. And then by the time you got to --- to --- sorry. Just in the --- in the 40ish range, give or take, at 200 feet. And if you got it to 400 feet, you would then be serving the --- the high teens, maybe low 20. Actually, no.

It'd be more like the 20's.
Q. Okay, thank you. So the --- the corona effect, it --- it doesn't produce more noise, does it? It just allows the noise to travel further. Is that --- would that be correct?
A. No. Actually, the corona effect is what is producing the noise.
Q. Okay.
A. And so if you look at, you know, older lines, where you've got older conductors, you've got, you know, dirt on those lines, things like that. So an older line you would typically --- that is also corona effect. And that would typically --- for --- for much older lines and some of the ones that are kind of located here, you'd anticipate hearing that sound under normal conditions. Under a new line like this, given the way the conductors are designed, given the change in technology over the years, what happens is, is at the conductors, if you've got atmospheric conditions where --- it essentially ionizes the air molecules around it. That's what creates the noise.
Q. And so it's a different noise than the --- the normal operation of the line then?
A. So under --- under kind of normal operations of a new line like this, a new 500kV line, there would be very

little to no noise, even if you're standing under it under normal conditions. But if you're in --- it's really --- we call it kind of inclement weather conditions. So if it's foggy and you get up obviously here in West Virginia on mornings and it is a light rain or light snow, those conditions actually induce the corona effect even more. That's really at a line like this is under those kind of inclement weather conditions, you would hear it near the right of way.

Q. And what distances would you feel like the --- the current effect would emanate from the --- the center line?

A. So if we look at the sound then --- so the corona effect is two things. One, it's sound inducing, kind of that sizzle or crackle that you might hear from a line. The other one is under kind of extreme chronic conditions, it actually blows a little bit right by the conductors. I don't really anticipate that to be the case here. I believe if I --- I recall, like if you bear with me for a second, at the center line, there was modeling done that was provided at the center line. I believe it was about 47 decibels. If I stop talking, right --- so 47 DBA. And so what does that mean? To put it in context, if I stop talking, if everybody's quiet for a second, I came into the room earlier this morning

before anybody else got in, just, you know, albeit on my phone. But they're actually fairly --- fairly accurate. The level of the room is actually about 55 or so, just --- just the HVAC. So we're kind of down in the sort of level where you know, you could hear it at the right of way. As you move away from the right of way, sound is --- is rhythmic, so it drops off fairly dramatically. So if you're within kind of 200 feet, I believe it was, you know, kind of 500 feet was one of the numbers in here, you're down to the 40 decimal range. So, you know, you're really going to be having to be almost adjacent to the line at the right of way under those weather conditions.

Q. And that's under typical conditions, but sometimes sound can do really weird things?

A. No, that's on a worst case kind of propagation.

Q. Oh, okay.

A. So if you're under typical kind of conditions where you don't have that inclement weather, the levels would be typically kind of 25 or lower. That's why you're not hearing it because just the general --- like in West Virginia here, in rural West Virginia, just on any given day, you're going to be in that kind of mid to high 40's, maybe low 50's.

Q. Okay. On --- on page 15 in your testimony --- it's

kind of more curiosity question, but you're discussing some research done by Dr. Burchard where he and his colleagues conducted some experiments on EMF exposure and dairy --- and dairy cows. And you said that they reported some small and inconsistent effects on selected biomechanical measures, but no consistent impact basically. What were those --- can you explain to me what those impacts ---

A. Essentially those ---.

Q. --- effects were?

A. Sure. And so, Dr. Burchard was --- he was at McGill University. He's now since moved on, but he was a lead researcher at one of Canada's biggest universities. And Dr. Burchard was actually under contract with Quebec Hydro. So Quebec Hydro is --- it's a provincial utility. They --- they run all of the lines in the province. Quebec is a very big dairy producing province, if you will. And there was concerns over the years of the 90's, 2000's into 2010 from all the dairy producers with the high voltage transmission lines. They did a number of different studies, both like in barns, so in, you know, on, in --- on the farms themselves. But they also specially designed chambers for the cows to actually enter into and then bombarded them with EMF. What they saw was if they use high level, extremely high levels of

EMF, more so than you would ever have in the environment, they were getting some kind of behavioral response, you know, some --- some --- some of those types of issues, but they were far in excess of what you would see in typical, you know, everyday dairy barns. Dairy barns are actually a fairly significant source of EMF themselves.

Q. So it was more in the behavioral and not the biological?

A. That's right. There --- there was some minor indications of biological, like, tests. They had some issues around, you know, some of the milk side of things, but again, at much, much higher levels. They were inconsistent. What they conclude, though, I think it's important, but when you take a look at all --- as you see, I've listed, you know, more --- almost a dozen studies that they did. And when you look at all of those different studies combined right at the end of that page, it says plausible to preclude any major animal health hazards. So essentially that --- that we're not concerned about either the cows in the barns or the cows living near high voltage transmission lines and even grazing right underneath 765kv and 500kv lines.

ATTORNEY AUVILLE:

Hold on just a moment. Thank you for your time.

A. Thank you.

CHAIR:

Ms. Wilson.

ATTORNEY WILSON:

Staff has no questions. Thank you.

CHAIR:

Thank you. Interveners.

MS. GRUBER:

Yes, ma'am. I have a question. This is Kristi Gruber again.

CROSS EXAMINATION

BY MS. GRUBER:

Q. Sir, did you do any studies that looked at the effects of the transmission lines on bees?

A. No.

Q. For example, like the disruption of their --- you say no?

A. No, ma'am. I don't specialize in bees. I specialize in mammalian toxicology.

Q. Okay. I didn't know if your studies --- your studies talk about the cows. I didn't know if you extended any of that to the other animals that would be on a farm.

A. Certainly other farm animals, if you look at the --- the couple pages on EMF on livestock that I have here,

this has been studied for --- for --- since the 1970s across the U.S. Wisconsin, number of studies, New York and the like. And what --- you know, look at everything from, you know, just general livestock on farms. So whether it be cattle, dairy cows, goats, sheep, basically the --- the --- those types of --- of livestock on farms.

Q. Anything on chickens?

A. If you bear with me one second. No, I don't believe the chickens were --- were part of those studies.

Q. Okay, thank you. And you don't know of any studies that were conducted on bees?

A. I am aware in general that there have been studies done on bees. I --- I'm just not aware what they --- what they say. It's just outside of my area of expertise. Very, very different creatures, obviously.

MS. GRUBER:

Thank you very much, sir. Appreciate it. That's all I have, ma'am.

A. Thank you.

CHAIR:

Yes, ma'am.

MS. BROOKE-ALT:

I would like to ---.

CHAIR:

You want to testify?

MS. BROOKE-ALT:

Yes, ma'am.

CHAIR:

Okay, come on up. Not testify, but Cross Examine.

ATTORNEY PRESLEY:

At this point, what's the difference?

CROSS EXAMINATION

BY MS. BROOKE-ALT:

Q. Hi, again, Commissioners and Dr. Ollson. Donna Brooke-Alt from Mineral County. I'm a dairy farmer, have been my whole life. We've --- I asked previous testifier a question about what has happened on our farm. Reading your testimony, I see that most of the information has come from the early 1970s and I believe you just alluded to that a second ago.

A. No, ma'am. There's also, if you were to look at my testimony that Dr. Burchard and his colleagues work ran basically from 1996 right up to 2007. Certainly couldn't include all of the --- and that very specifically was dairy cattle. There --- there's other studies as well. Just too many to put into the --- into the report here.

Q. So I guess my question would be has --- and --- and I don't know a lot about this, so my question may be a really dumb one, but I'm going to ask it anyway. The

amounts of energy that has gone through the lines, has it changed? Is there more demand and does that determine the amount of stray voltage that comes off of these lines?

A. So stray voltage very different than obviously the EMF stuff that we've been talking about, right. And within straight voltage --- certainly try to --- to elaborate on this. From a energy perspective, you know, I mean, you do have more energy loss in mind and the older lines can do that. Newer lines, not so much. But on --- so first, I come from a very long line of dairy farmers, seven generations to be in fact. So certainly understand your concern. Stray voltage is absolutely an issue on dairy farms and certainly older dairy farms. My grandfather would have rolled over dead before he called an electrician back in the '70s, '80s, right. And so certainly in the, you know, in the earlier years, kind of pre-2000, before milking farms became a lot more sophisticated and we're now, there's a lot of just jerry-rigging of electrical on the barn. What happens with stray voltage is that if you don't properly ground your electrical lines, then what happens is that the electricity is looking for somewhere to go, okay. And then often what it'll do --- and if you're --- whether you're in a milking parlor or if you go in the water

trough or outside or, you know, the grain --- grain trough, because they're typically metal troughs, it likes electricity --- likes to find metal, okay. And so what happens that if you do have straight voltage on the farm, what then can occur is that, you know, just like --- I don't know if you have an electric fence for the cows. I mean, the favorite game we always used to play as kids on the farm was you grab --- you grab the --- the electric fence and you grab your brother and whoever's last in line gets the shock.

Q. I've done that.

A. Absolutely, right. Anybody who's ever been on a farm anywhere near an electric fence as a kid does it. So it's that --- it's that same kind of sensation though for the cattle when they're --- if --- if you do have straight voltage and then what you get is avoidance behavior with the cows. They don't want to drink the water for the trough. They don't want to eat. They don't like being in the milking parlor. So it is a very serious issue.

With these high power or high voltage transmission lines, they are typically and almost exclusively --- I'll come back in a second and why. But they're not usually the cause of stray voltage from that line onto the farm. They can if they're not properly grounded, right. If

they're not mutually grounded --- so along the lines, there's number of groundings that they have. It is theoretically possible that you can, from a high voltage transmission line, if you're near, let's say, a cabin barn or you're, you know, you got a water trough outside, it can occur. If you look at the --- and very easily fixed.

But now, to the point of, and I think you asked earlier, who do I call if this is the case? If you look at Wisconsin, their Public Service Commission a couple of years back actually put in stray voltage guidelines because let's say the 500kV line comes in near your --- near your farm. All of a sudden you suspect you have a straight voltage issue on the farm. It is actually --- it's very easy. You get an electrician out. They can do the measurements, the monitoring. They can very easily figure out what --- because ultimately, it's usually the distribution line onto the farm and then something going on at the farm electrical and it could be rectified. So in the state of Wisconsin, they mandate if a --- if a farmer is concerned that there is straight voltage on their farm and they believe it's coming from the transmission line, somebody has to go out. If there's a third party go out, they test they do. And ultimately it --- in my experience where it --- where farmers have

suspected that it was the case, it wasn't actually the transmission line, but ultimately, because it's a relatively easy thing to fix on the farm, that it's --- it's usually compensated by the line or --- or parties work together to --- to rectify it. It's a fairly easily rectified issue once you know that it's there.

Q. Okay, yes. And we do have the electric lines that we don't even have to plug in coming from under the five towers we have. So we have a lot of electric voltage going through without even plugging in electric lines. But we have stanchion bars. So we had to put rubber mats in for the cows and sort through that to protect our animals.

A. Right. And I mean, again, I think that's something that I would --- you know, I'm not aware of who the owner of that line is but, you know, I would contact them and then, you know --- I'm not saying that they are going to listen, but ultimately, it is something that you --- if it is suspected to be from the line, the electricians can trace it back fairly easily.

Q. Thank you. I just wanted to bring that up for my impacted farm or landowners there and get the MARL lines. So thank you.

A. No, for sure.

CHAIR:

Commissioner Larrick.

COMMISSIONER LARRICK:

No questions.

CHAIR:

Commissioner Raney.

COMMISSIONER RANEY:

Yes, ma'am. I got --- I just got --- they're probably questions of curiosity more than anything else. On --- on your Direct Testimony or perhaps it's Rebuttal Testimony, on page six, it talks about as NEET MA Witness, Mr. Givens explains, NEET MA has reviewed model sound levels from the proposed MARL line. Put that in fifth grade language for me.

A. Absolutely, sure. So what you can do for, you know, whether it's a wind turbine, a solar farm, a gas plant, and in this case, transmission line, you have a professional group called acousticians sound modelers.

COMMISSIONER RANEY:

Okay.

A. So they take --- they take internationally recognized sound models where they've been validated against other trans --- so in this case, transmission line where you --- you --- the model is predicated on knowing, you know, the size of the line, the voltage going through, all of those things. They're ultimately

able to then under --- when you have these inclement weather Commission or conditions, they're able to model how much noise that crack, sizzle or pop is going to sound, like, if you're standing right underneath the line, as well as then from distance from the line.

So that is the information when --- when I was asked by NEET MA to come to testify, first question I said is somebody give me the sound levels of the model and that's what they provided. So we've got very good certainty and, you know, having done measurements after construction of these lines to make sure that we, you know, what we're modeling here is, if anything, actually, I believe it's --- it's overly conservative. So the numbers are actually higher than we would expect to see around the line.

COMMISSIONER RANEY:

So it's all been validated?

A. It has, sir.

COMMISSIONER RANEY:

The other question I have is 3,000 feet, you mentioned on page nine. I could ask the audience, I guess. Is Hampshire County and Mineral County a 3,000 feet elevation?

A. Yes.

COMMISSIONER RANEY:

Is there some magic about 3,000 feet?
A. So the --- the higher the elevation, actually, there's more potential because the --- the air is less dense and it's actually more --- the corona effect actually gets ground. So the higher up you go in elevation, what you get is you can actually ionize that --- those air molecules a lot easier around the line. So if you're at sea level, let's say you were in Florida, a line there versus a line up in the mountains. Yeah, it --- it --- it can be in a lot higher. So that's why you look at that level here. It is important to know the elevation as well.

COMMISSIONER RANEY:

So if you get mile high, it's --- it could be like noisier, I guess. Is that ---?
A. It can. I mean ,it's not substantially louder, but it's certainly the higher up you go --- like if you were in Denver for example, mile high city, versus here versus in Florida, you are going to see a couple of decibel difference in --- in that sound level.

COMMISSIONER RANEY:

And Ms. Brooke-Alt just conveyed that they're from --- from Mineral County up there. And you being one --- I heard you say that dairy farms are a source of EMF.

A. No, sir. What we're saying is that stray voltage -- - so --- so the EMF is very different. That's the electric and magnetic fields that's coming off ---

COMMISSIONER RANEY:

Right.

A. --- the line itself. The stray voltage is if you get electricity kind of escapes into the ground or wiring. Dairy farms, historically especially, were a straight voltage was a significant issue because as you did the wiring and as you do the wiring, ---

COMMISSIONER RANEY:

Right.

A. --- if you're not properly grounding and neutralizing that electrical line, what happens is the electricity kind of escapes from the line and it's finding somewhere to go. And so, you know, it may run through concrete. It's going to come out through the ground and it likes metal. So depending on the distance and how far away and kind of what the voltage is on that line and how much is escaping, that then causes this stray voltage or basically essentially an effect similar to an electrical fence.

COMMISSIONER RANEY:

Well, I thought I heard you say that dairy farms are a source of EMF.

A. No, sir. Sorry. If I did, then I --- I misspoke. I would have meant to say a source of stray voltage --- sorry. They are also a source of EMF. Yes, I did say that. Sorry. I was getting the two confused. They are a source of EMF. Right now, this room is a source of EMF, right. So everything that's plugged in, your microphone, the lights all have --- give off a weak electric and magnetic field. And it's the magnetic field that we care most about and we measure that in what's called milligauss or MG.

In a dairy barn because there's so much electrical equipment, right? So you've got the milking parlor. You may have --- you've got the milk containers. You've got, you know, all sorts of --- especially today's robotic milking barns with cows come in and they just poke themselves and wander in and they know when to do it a couple times a day. Because you've got so much heavy electrical equipment, in this room right now, the kind of background level of EMF would be one to four milligauss. In a dairy barn, your typical level is going to probably be about ten times that. If you're standing right beside the electrical equipment, it could be even higher. So for example, if you plug a hair dryer in --- and I know, sir, you don't have this problem, but if you plug a hair dryer in and you're standing there with the hair dryer,

back --- back in the days when you did, you had the hair dryer there right by your head, that's about 700 milligauss give or take or 500 milligauss. So it --- we're --- we're exposed to electric magnetic fields in our daily lives and it just --- the levels are just far below that that are cause for concern.

COMMISSIONER RANEY:

So there's --- there wasn't anything particularly unique about the dairy farms being a source of EMF. Everything is?

A. That's --- that's right. Just a little bit higher because of all the --- the --- the electrical equipment that's in there.

COMMISSIONER RANEY:

So --- so where does that put us with data centers?

A. Commissioner, my new favorite topic. Yeah. So, with --- with data centers, essentially what you have is you --- there's a --- there's a number of sources of EMF or the data center. So you've got the electrical lines or the, the transport, like the substation there, just like you'd have any other substation here in --- in --- in West Virginia, whether it's power lines, whatever. You got a fair amount of magnetic field coming off of those lines like we talked about here, about 48

milligauss. If you're standing right beside the transformer substation, it's going to be 100 plus. But that's just our typical distribution in lines. With data centers, so you certainly got the electrical equipment coming in. From the buildings themselves, they house very large, you know, banks, computers, right. So everybody has a computer. Everybody's got the --- you know, lawyers with their computers out there. I mean, there --- there is a weak, again, magnetic field coming off those. You put a whole lot of them in a building, you are going to have some increased level of magnetic field in the building itself. But effectively, once you get to the exterior of that building, again, it drops off very rapidly. And so what happens is by the time you get to the property line, you're certainly back into --- in a typical data center, even the hyperscale ones, you're back into the background almost that you have here in the room.

COMMISSIONER RANEY:

And I presume, like the previous two doctors, that your conclusions have been based on literature reviews and what they've given you from --- from the design of this line, your conclusions are accurate and you feel confident about them?

A. Yes, sir. And I've also actually, as I was

indicating before, actually studied and taken measurements underneath 500kV lines and published that research. So between a combination of that, as well as the, you know, 50, 60 year history of the study was --- if you think about it this way, there's over 240,000 linear miles of high voltage transmission in the United States. Most of that runs, of course, through rural areas, but it also runs right into people's backyards. We have people living in cities. Their backyard is on that right away. Their house might be 20, 40 feet away. So same thing with cattle. Same thing with dairy barns. There's transmission lines everywhere. So with all that body of literature and all the research that's been done, there's no indication that this line or any other 500kV line would --- would pose a concern.

COMMISSIONER RANEY:

Thank you, sir. It's nice to see you. Thank you, Chairman.

A. Nice to see you, sir.

CHAIR:

My question is not consistent with your testimony either. I want to talk about noise from data centers.

A. Yes, ma'am.

CHAIR:

So what kind of noise is there from data centers? And is it just irritating or is it, you know, harmful?

A. Would you like the three minute answer or the three hour Ph.D. lecture?

CHAIR:

Well, how about ---?

A. I --- I can --- I ---.

CHAIR:

How about five minutes?

A. Okay, yeah. I can do that, Madam Chair. Data centers, the source of noise from data centers is typically it's going to be from, you know, these days are more closed looped systems where water circulates, water glycol circulates through, and they have extremely large fans on the roof of these data centers. We have the smaller data centers. They may be located right near people's backyards, 150, 200 feet from their backyards. It gives off a hum similar to your air conditioner. Do you have an air conditioner, Madam Chairman. So you know, if you're standing right beside your air conditioner, that kind of humming noise that you get if you're --- when it's operating, that's essentially the same kind of --- it's --- it's more in a lower frequency. It's that hum that you hear from your air conditioner.

If you put data centers too close to people's homes, that sound level can be obtrusive. It could be --- we in the noise world, we start with the term annoyance, which is not lightly taken. It means if you've got a whole bunch of people reporting to be highly annoyed. That can lead to other cascading health effects, things like sleep disturbance. You know, we've all gone through a couple days where you don't sleep very well and you don't feel very good. We don't want --- we have regulations for a reason to make sure that you're going to continue to get, first and foremost, sleep, but also enjoying our property. You want to be able to throw the football around with the kids in the backyard. You want to be able to --- I know I'm probably the one standing between you folks and having a beer on your porch tonight. You don't want to have that intrusive noise.

We're seeing a lot more in the last two years, but certainly in the last six months where you've got counties that are putting in ordinances in place in order to limit the amount of sound that any one home should experience from it. So we're seeing a lot more of that now. Candidly, there are data centers built across the U.S., North America that are too loud and they are fixing them right now or should fix them. On the new built ones, we try to limit the sound level to about the same

where we're talking about here. Typically it's about 50 decibels per DBA at people's homes. So as long as you have the right sound levels --- and it's unique for every park. If you're an industrial park, you can have much sounds you want, nobody cares. But it really is when we're getting into residential sound or rural areas, right. And I recognize here in West Virginia, you've got some data centers being proposed in more rural areas. You've got some that are being proposed in cities. So it really is dependent on the environment and making sure you've got the right sound level to protect the residents.

CHAIR:

We have certificated several wind farms and solar farms. And the noise issue is always something that is raised and is always dealt with in our --- the certificate that we grant. How does the noise from a wind farm or a solar farm compare to the noise from a data center?

A. So, yes, Madam Chair. I have worked on some of your Ridgeline wind farms here in the state over the years. If I remember correctly, you typically, in those certificates, you typically regulate the sound from a wind farm here in West Virginia to be no more than 50 decibels on people's homes. I haven't worked on similar

projects here, but I --- I imagine it would be similar. The sound that you get from the wind turbines, of course, is the whoosh, whoosh, whoosh, right, which is different than what you're going to hear from your --- the hum of your --- your air conditioner. But essentially they're the same. You're trying to limit it sort of like the same amount of sound level you regulate for a wind farm is equally protective for things like data centers.

We also do it for, you know, for example, for large gas plants. So large gas plants could be a significant source of noise. So we also want to regulate those as well to make sure that the sound --- typical level across the United States in terms of regulating those types of sounds would be either 45 DBA to 50 DBA typically at the homes themselves. Property line --- I'm not a big fan of property line standards because the corn doesn't care, the trees don't care, but certainly people do. And so, it really is trying to regulate it so that you're --- you're doing that.

So I think if you're following the same sort of process that you do in your wind projects and then certainly --- and I'm not aware, I'll be honest, in your state, if you have jurisdiction over the data centers or not, but or they --- they come through the PSC. Most states, it's done by the county and it's not a state

level, but it is trying to make sure you've got those right levels.

CHAIR:

Okay, thank you. That has been very helpful and I thank you for that. And Mr. Callas, do you have any Redirect?

ATTORNEY CALLAS:

No Redirect, Madam Chairman. May this witness be excused?

CHAIR:

Yes.

A. Thank you.

CHAIR:

Thank you, sir.

A. Thank you, Commissioners.

MS. GRUBER:

Ma'am, can I ask one more question before he goes? Kristi Gruber.

CHAIR:

Yes, you may.

MS. GRUBER:

Thank you. Thank you.

RECROSS EXAMINATION

BY MS. GRUBER:

Q. Thank you, sir. I'm sorry. Ms. Parker was talking

about on the lines, they're also going to have microwave and telecommunication to monitor the transmission lines. Did you do any studies on those? Is there anything that references any sound from either the microwave or the --- or the trans --- the telecom line?

A. There --- there would be --- so, not part of my testimony on record now, but I can tell you there would be no sound from any of those --- those types of telecom or beam equipment from --- that's mounted on transmission lines.

MS. GRUBER:

Thank you, sir. I appreciate you taking the extra time. Thank you, Madam.

CHAIR:

Okay, thank you.

A. Thank you, Commissioners.

CHAIR:

Mr. Callas.

ATTORNEY CALLAS:

Yes.

CHAIR:

Now, we'll call Mrs. Menhorn.

ATTORNEY CALLAS:

That's correct, yes. We call Ms. Menhorn to the stand.

CHAIR:

Welcome, Ms. Menhorn. It's been a while since you've been here.

MS. MENHORN:

It has, Madam Chairman.

CYNTHIA MENHORN, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY ATTORNEY CALLAS:

Q. Good afternoon, Ms. Menhorn.

A. Good afternoon.

Q. You've been waiting a long time. I'm glad you finally made it to the front of the room. Could you give your name and business address?

A. Yes. My name is Cynthia A. Menhorn and my business address is 520 Lake Cook Road, Suite 275, Deerfield, Illinois.

Q. How are you employed?

A. I am employed by a Company called NCR Performance Solutions and I'm the Vice-president of Regulatory Services there.

Q. In that capacity, did you cause to be prepared Direct Testimony in support of this application?

A. Yes, I did.
Q. Do you find a copy of that testimony in front of you?
A. Yes, I do.
Q. Do you have any corrections you believe need to be made --- let me stop and say is that the --- the revised March 4th, 2026 version of your testimony?
A. Yes.
Q. Do you have any corrections that you believe need to be made to that testimony today?
A. No, I do not.
Q. Okay. Do you ask the Commission accept that testimony as your sworn testimony in this case?
A. Yes, please.

ATTORNEY CALLAS:

Okay. With that, I offer Ms. Menhorn for Cross.

CHAIR:

Mr. Hanna.

ATTORNEY HANNA:

No questions. Thank you.

CHAIR:

Mr. Harkins.

ATTORNEY HARKINS:

No questions. Thank you.

CHAIR:

Ms. Grundmann.

ATTORNEY GRUNDMANN:

Yes, Your Honor.

CROSS EXAMINATION

BY ATTORNEY GRUNDMANN:

Q. Good almost evening, Ms. Menhorn. I think my colleague, Mr. Williamson, also would have said it's been a long time since he's seen you, but he says hello.

A. Hello.

Q. I do have a couple of questions and I just want to level set because as Mr. Callas introduced your testimony, he called it your Direct Testimony. So are we supposed to ignore the testimony that was originally filed as your Direct Testimony on January 30th, 2026?

A. Yes.

Q. Okay. And so I noticed that when the update to your testimony was filed, the filing indicates that NEET MA has since determined that the ATRR will instead be allocated to the effective PJM transmission zone on a 50/50 basis between a solution based DFAX and a load share ratio basis. Have you seen that filing?

A. Yes, I have. But let me --- let me clarify. That was the ---.

Q. Please.

A. The all --- the PJM approved DFAX method is 50 percent and it was used with the exact correct project cost. But my team inadvertently applied that 100 percent.
Q. Okay.
A. So the revision was to bring that into what it was actually meant to be.
Q. Okay. And so the reality is that when I first read your testimony, my impression was did something change in PJM. And the answer is it did not. You just did not include the 50 percent load share in your initial calculations; is that correct?
A. That's correct.
Q. Okay. So then I'm going to be focusing all my questions on your March 4th Direct Testimony.
A. Good.
Q. So thank you for that clarification. Did you happen to listen in to the hearing in response to some questions for Dr. Abdulsalam?
A. I did.
Q. And there was some discussion about cost allocation and he had indicated that the PJM process had never changed and that approximately, he thought 50 percent of the costs were being allocated to the DOM zone. Do you recall that?

A. I do.
Q. And in response to that, do you have in front of you what was previously marked as WVEUG Cross Exhibit 3?
A. I don't believe so.

ATTORNEY CALLAS:

Can you remind me what that was?

ATTORNEY GRUNDMANN:

It's the --- it's the Company's response to WVEUG 3.7.

ATTORNEY CALLAS:

3.7, yeah.

ATTORNEY GRUNDMANN:

I --- I may have another copy of it if you don't.

ATTORNEY CALLAS:

It is probably up there. I usually keep them up there, but I'm going to give you mine.

ATTORNEY GRUNDMANN:

Chris, I have one.

ATTORNEY CALLAS:

Okay, yeah.

A. I probably can remember most of it, but just to be sure.

BY ATTORNEY GRUNDMANN:

Q. Better you than me. And I just --- I want to make

sure that the record is clear, Ms. Menhorn, because it feels to me a little bit like Dr. Abdulsalam maybe made the same mistake that was in your first draft of Direct meaning he was only --- and I don't know whether he was looking at the 50 percent DFAX or the 50 percent load share.

A. I think he was looking at it from a much higher level. I think he was looking at it as --- so every number that I used when I allocated the costs were numbers that are on the PJM website.

Q. Okay.

A. So for every ID of the project, we went to the website, pulled all of the DFAX numbers, as well as the load ratio share numbers.

Q. Okay.

A. And I think when --- when he was looking at it, in thinking about the --- the DFAX and the way Dominion, and APS, and PECO, and BG&E had in his mind that it was 50 percent of Dominion. And I think it was just he wasn't digging down into the details.

CHAIR:

Before you go any further, would you explain for the record DFAX?

A. Sure. DFAX is the method by which trans --- transmission cost zones are allocated to the specific

zones that are modeled for the use and reliability of the project.

BY ATTORNEY GRUNDMANN:

Q. And then will you just go ahead and --- let's just back up. So then can you distinguish between DFAX and the load share fixes?

A. The load --- the load ratio share is the load of the zone as it's compared to the whole PJM range.

Q. Okay. So let's back up which of that 50 percent, whether it is the DFAX or the load share, results in nearly every zone in PJM being allocated some portion of the cost of this project?

A. The load ratio share.

Q. Okay. So essentially, the load share, the load ratio share looks at the totality of the size of PJM ---

A. Correct.

Q. --- and then allocates it on a pro rata basis based upon size?

A. Yes. And, again, those numbers are taken directly off of the PJM website for each and every project ID.

Q. Now, for the solution based DFAX, and maybe it's a difference of words, but I had sort of understood that 50 percent was intended to get at the whose problem is being solved by this project?

A. That's correct. And that's why it's --- it's only

split between those four zones that I mentioned.
Q. Okay. And so can we --- am I correct that that is then set forth, that --- is that allocation set forth on Table 2 on page seven of your testimony? And I promise we'll come back ---
A. Yes.
Q. --- to WVEUG Cross ---
A. Yes.
Q. --- Exam 3, but ---.
A. That's --- that's the DFAX table, correct.
Q. Okay. And so as I look through this, it appears to me that the overwhelming percentage allocation under the DFAX is allocating the cost of this project to the APS zone rather than any of the other three zones. Would you agree with that?
A. Yes.
Q. Okay. But you also probably heard some of my questions, and I don't remember if it was to Dr. Abdulsalam or to Mr. Gledhill, but about how APS is a multi-state zone?
A. Yes.
Q. And so do you happen to know, as we look at these various upgrade IDs here in Table 2, many of which are allocated 100 percent to the APS zone. It's sort of my understanding that a lot of the driver for this upgrade

were --- were things that were happening in Maryland. So is --- is a lot of this APS Maryland APS zone versus West Virginia APS zone?

A. You can't tell by the DFAX ---

Q. Okay.

A. --- that's on the PJM website. You can't tell whether it's being allocated to Maryland or it's the zone.

Q. Because then you have included as like, I don't know if we call them work papers, but you have as your attachment, I think it's Attachments 2 and 3 to your testimony. You have gone through and ultimately, I think in Attachment 4, you have produced some proposed rate impacts by customer class for --- for, looks like both FirstEnergy and APCo.

A. Correct.

Q. And so you have --- tell me where you got the breakdown.

A. Okay.

Q. Let's use the APS zone and FirstEnergy. So where did you get that breakdown as between what is allocated to Maryland versus what should have been allocated to West Virginia?

A. Okay. So you may be very familiar with Allegheny Power. I know that there are four states there, West

Virginia, Maryland and Pennsylvania. So we were able to take --- and every --- let me --- let me --- let me back up because it's very important. All the numbers that are in these calculations are taken from some source.

Q. Okay.

A. There are very few of them that are extrapolated and only those that were extrapolated were done. So, you know, with the basis of something that came out of either the --- the PJM state specific report is one. The Energy Institute, the EIA report 861 is one. So we, we took the cost assessment aided by zone ---

Q. Okay.

A. --- and then we took the --- and I'm going to get into the --- the transmission revenue requirement piece.

Q. So are we talking like the --- the --- the --- like a 1CT allocation?

A. No, no. We're talking Attachment H.

Q. ATRR?

A. The ATRR.

Q. Okay.

A. Okay. So we have the --- that's how you, as Commissioners, recover the --- the dollars from any transmission through the FERC tariff. Took the FERC tariff and then applied and went into the calculation by the different states. So I calculated the revenue

requirement, took the data from either PJM specific reports or EIA reports and got it down to the state level.

Q. Okay. So you took the --- let's just use, again, APS.

A. You calculated APS's transmission revenue requirement for this project?

A. Correct.

Q. And then you essentially took each state's formula for allocating cost to customers ---

A. Correct.

Q. --- and you allocated those cost to customers?

A. Yes, based ---.

Q. So let me --- but I want to take a step back.

A. Okay.

Q. Because where I am confused is the ATRR is calculated by zone, not by state and not by utility. So how did you determine for the APS ATRR, how to allocate it among the various states? Before --- before apportioning it to the classes, ---

A. Sure.

Q. --- how did you allocate it to the states?

A. And that's where I told you there's state specific reports from PJM or EIA data which would have the specific loads, the peak loads, the on and off peak

loads, ---
Q. Okay.
A. --- and the loads by state ---
Q. Okay.
A. --- and then allocated it that way.
Q. So you --- so essentially, you were trying to determine how each state contributed to the PJM peak?
A. Yes.
Q. Okay. So you determined how each state contributed to the PJM peak and then you allocated it?
A. Based on --- I mean, based on data that was --- was publicly ---.
Q. Publicly available?
A. Yes.
Q. Okay, all right. I think I understand. Okay. So can we go back to our discussion about WVEUG Cross Exhibit 3?
A. Uh-huh.
Q. And am I correct that the timing of this response would have been after you filed your March 4th Direct Testimony. So this has the all --- the proper allegations; is that correct?
A. Yes.
Q. And you agree with me, if we look at Bates page 12 of this, that less than, by my count, less than a third

of the project costs are being paid by the DOM zone?
A. The 305.89.
Q. And I assume that's $1,305.89 million; is that correct?
A. Yes.
Q. And that the --- the highest amount of costs are actually being paid by the APS zone at $323.85 million; is that correct?
A. Correct.
Q. Now, I had heard, I thought, that a lot of the impetus for this need to go west to east was because of the retirement of generation in BG&E and the growth of data center load in data center alley in the DOM zone. Did you hear that testimony from Dr. Abdulsalam?
A. No, I did not hear that part.
Q. Okay. As you look through this --- and I know you've had a lot of experience with cost allocation not just at the federal level, but at the state level. But as you look through these numbers and the total overall costs, ---
A. Uh-huh.
Q. --- did you hear the discussion about the --- did you hear Dr. Abdulsalam's discussion of, like, the freeway metaphor?
A. Yes.

Q. And how sometimes you build a freeway to, like, create lesser traffic on other highways?
A. Yes.
Q. Would you understand that the freeway that is essentially being built through West Virginia as a result of this project isn't really going to provide a ton of benefits to West Virginia? Do you agree with that?
A. I --- I can't agree with that only because my goal in this proceeding was to take the total cost of the MARL project and determine what the retail rate impact was to the West Virginia customers.
Q. Okay.
A. So I can't explain what the Maryland or any other customers are impacted ---.
Q. Were you surprised to see that the largest portion of costs are being allocated to the APS zone?
A. I really didn't have an opinion.
Q. Okay, all right. So then I want to talk about how you calculated the rate impacts that are in your testimony. And --- and so there --- there's this sort of --- there's two time periods. There's construction and then there's in service. Do you agree with that?
A. Yes.
Q. And during --- we heard earlier today that during construction, the only thing being recovered are the

financing costs of the project. Is that also your understanding?
A. Yes. And all of my inputs were given to me by MARL. So at the top of my testimony ---.
Q. If you'll show --- if you'll tell me what page or attachment ---.
A. Yeah. On top of my testimony, page 600020, it shows the percentages that I used ---
Q. Okay.
A. --- based on what I got from MARL.
Q. So starting on page 5, line 13, going over into page 6?
A. Yes.
Q. So those numbers were all given to you by --- by MARL?
A. Yes.
Q. Or by NEET?
A. Right. And how the --- how they handle CWIP and ADIT and all those things were --- were given to me as inputs.
Q. But just to --- but just to be clear, so when you were calculating the rate impacts during the construction phase, were you aware that other than the gross up as a result of, you know, taxes, that's applicable or like the ROE, that the base cost were financing cost?

A. Yes.
Q. Okay. And so then the --- the cost that begin after being placed in service are the hard costs of the project and everything that flows through power?
A. Yes.
Q. So then can you --- I want to focus on your assumptions for the cost impacts after the project was placed in service. And you discuss that --- beginning at page six, line one through three, you discuss the 55 percent debt, 45 percent equity ratio, but then you indicate that there's going to be an ROE of 7.5 percent and a cost of debt of 7.56 percent. Do you see that there?
A. I do.
Q. Okay. Are you aware that there was a contractual agreement by and between NEET and PJM with some cost containment measures?
A. I heard that in some of the previous testimony.
Q. Okay. So were you aware that one of those cost containment measures worked to limit the upward bounds of the return on equity that the Company could earn once the project was placed in service at 9.8 percent?
A. That was --- no, I was not aware of that. If it was, it wasn't, you know, it wasn't really conducive to what I was doing, so.

Q. Well, but you agree that there's a 230 basis point difference between a 7.5 percent return on equity and a 9.8 percent return on equity, right?
A. That's the math.
Q. And that's pretty substantial for a $1.1 billion project?
A. I don't ---.
Q. Can you do the math on what that is on a basis point? What each ten basis points would be worth on a $1.1 billion dollar project? I can't do it, but can you?
A. Do I have to?
Q. Yes, if you can. I mean, I'm happy --- we --- we can treat you like horseshoes, but can you estimate approximately what ten basis points would be worth?
A. No.
Q. $100,000,000? $150,000,000? So --- because if your testimony assumes a 7.5 percent ROE, your calculated rate impacts were also based upon a 7.5 percent ROE.
A. Correct.
Q. So if, in fact, the Company earned a 9.8 percent ROE on this project, the rate impacts during every single year after the project was placed in service would be materially higher?
A. The rate impacts that I calculated were based on the seven and a half. That's correct.

Q. But would you agree that a 230 basis point difference would have a material impact on the --- on the cost ---?
A. Any change would impact rate --- the retail rate impact that I did.
Q. Okay. So essentially as we sit here today, we don't have any evidence in the record as to what the cost impacts would be if the Company were to earn 9.8 percent on this project?
A. Not in my testimony.
Q. Are you aware of any other witness that provided cost testimony?
A. No.
Q. Okay. So then can I draw your attention to Attachment 4? Do you recall that you were asked to discover some questions about the rate impacts and whether these were cumulative year over year impacts?
A. I was, yes.
Q. Okay. So I want to look at --- I'm on Attachment 4, page one of one. And I am looking at, excuse me, line 23, which is the average rate for the industrial class.
A. Uh-huh, yes.
Q. I assume that that --- because this is also from Monongahela Power and Potomac Edison. So I'm going to assume when you have industrial class listed there that

you mean the K and PP rate classes.
A. These --- these are --- these are averages ---
Q. Okay.
A. --- that were taken from the EIA data, so.
Q. Okay. So you just pulled straight from how they classify as industrial?
A. Correct.
Q. Okay. So then as we look at line 23, there are bolded numbers that, starting in 2023, go from 7 and 11 cents per kWh and end at approximately 12.06 cents per kWh in 2036. Do you see that?
A. I do.
Q. And in calculating those numbers, are there any other assumed impacts to that rate other than this project?
A. The --- you're on line 23. That's the average rate ---
Q. Correct.
A. --- that was in the EIA. That's not the average rate that is included with this project. The project rate is on line 26.
Q. Do you mean 27?
A. That's the percentage increase of this project, yes, but the --- and you were looking at the actual 7.1. So I started 7.1, no impact to MARL, ---

Q. Okay.
A. --- then I go out to --- to 12.
Q. Okay. So if we were to look at --- let's look at --- I'm going to compare lines 23 and 26.
A. Sure.
Q. And I'm looking in year 2026.
A. Go ahead.
Q. So in line 23 in 2026 is 8.03 cents per kWh. And then down on line 26, you show 8.74 cents per kWh. So are you showing that the impact of the MARL line is .01 cents per kWh?
A. Yes.
Q. Okay. So then if we add up all of these, essentially what I would have to do to calculate the cumulative impact, I would have to in every year subtract the number that's in 23 from the number in line 26 and then add each of the lines up on 26?
A. The 2027 percentage increase is over 2026 and each subsequent years over the previous year. So you really can't add them up.
Q. Well, so if --- so, if in year --- so you're telling me that the increase from 2027 to 2026 is .33 percent?
A. Yes.
Q. And you're telling me that that is solely as a result of MARL?

A. Yes.
Q. So if I wanted to know the overall percent increase, why can't I add all this up?
A. That's not the way I did the analysis.
Q. Well, where is the analysis that anywhere says that over this 15 year period what a customer's total bill will be increased? Because what I think you've said in your testimony is the impact in like the first year is like less than one percent. But in terms of on a total basis to say, you know, over 15 years customers' bills will increase by no more than X percent. Is that somewhere in your testimony?
A. No.
Q. Okay. So --- so you're telling me that I can't add up these percentages?
A. No. I can tell you is the impact from MARL in 2036 is .53 percent.
Q. Higher than the year prior?
A. Yes.
Q. Which is --- but if we --- but if we just --- just adding these point halves up, it's --- it's like six and a half percent as compared to, like, rates as of 2026.
A. We didn't make that calculation. I did not make that calculation.
Q. Okay. So as we sit here today, there's no

calculation that tells this Commission how much rates would increase on a total basis or the projected increase in total rates over the life of this project. There is only a year compared to the next year compared to the next year comparison?
A. Correct.
Q. And do you have any idea how long --- just I'm going to use FirstEnergy as an example. How long their rates have held pretty steady? Like are you aware that their --- their --- their saying cents per kWh for the industrial class has held pretty steady over the last several years?
A. No, not --- I mean I haven't been watching FirstEnergy's rates.
Q. So would it surprise you to learn that a --- a year over year increase of a half a percentage every year would be an anomaly within general rates for the FirstEnergy territory?
A. I mean, if you --- if you are sure that that is the case, that their rates have not increased, I mean, I have to take you at your word. But the project costs here and the reflective increases seem to be reasonable based on our analysis.
Q. And, again, these numbers all lack analysis of an additional 230 basis points of potential return on equity

that the Company has the right to earn?
A. You're right.
Q. Okay.
A. I can't --- I wasn't asked to speculate on that.
Q. And you don't --- you're not able to, as we sit here today, tell me how you think that might change these percentages?
A. It'll definitely change them. But when you say materially, I'm not in a position where I want to say materially.
Q. So you --- you won't say whether you think that 230 basis point change is material or not material?
A. To what type of customer? Any type of customer or residential or ---?
Q. And are you aware of --- can --- can you name ---?
A. That's a lot --- that's a big increase.
Q. Can you name any case in the last 20 years where a utility has --- has been authorized more than a 200 basis point increase in their ROE from one case to another?

ATTORNEY CALLAS:

Objection. That's --- that --- that goes --- I've listened, but that goes far field of a fair characterization of ROEs set in a DEA under a FERC formula rate and how ROEs before a state regulatory commission for a state regulated entity are set and Ms.

Grundmann knows it.

CHAIR:

Okay, sustained. Let's go on.

ATTORNEY GRUNDMANN:

I don't have any further questions. Thank you.

CHAIR:

Mr. McGhee.

ATTORNEY MCGHEE:

No questions.

CHAIR:

Mr. Stephens.

ATTORNEY STEPHENS:

No questions, Madam Chair.

CHAIR:

Mr. Williams.

ATTORNEY WILLIAMS:

Yeah, I have a few questions.

CROSS EXAMINATION

BY ATTORNEY WILLIAMS:

Q. Just in general, when you're looking to see how these rates would potentially impact things, you're --- you're looking first at how FERC would authorize the rates to flow back to PJM?

A. That's correct.

Q. And then you're looking to see how PJM then flows them back to the states based on existing formulas?
A. Right.
Q. Are those formulas being subject to review or challenge for the future?
A. Well, this was calculated, you know, at a point in time. So it was calculated based on the Attachment H that's been approved at FERC for NEET MA.
Q. It's my understanding that FERC is --- is asking PJM to consider other ways of recovering cost of new transmission construction that's primarily serving the benefits of data center growth.
A. I'm not aware of that.
Q. If the primary driver of the new transmission lines being built is for new data center perspective growth and other customer demand levels as being relatively flat, do you believe that it would be reasonable for the companies to and PJM and FERC and other regulatory bodies look at ways to have the cost causers bear more of the share of the expenses, of the upgrades?
A. That's a possibility, but I can't predict what FERC would do.
Q. But obviously the Commission can implement whatever policies it believes is reasonable and appropriate at the state level once it sees those costs being shifted back

to its customer base?
A. Yeah. And what my assumptions were is that the costs associated with the FERC tariff would be applied the same way the current FERC tariff is being applied by the state of West Virginia.
Q. And you were also assuming that the Commission was going to be flowing things back the same way it has historically without looking at data centers as possibly a new and separate customer class?
A. That was my assumption. I didn't make any different assumptions. That's correct.
Q. And if the federal push and the state push from various entities is to make data centers pay their way more than they are now, that would have them bear more the cost of new generation, as well as new transmission is being built solely and fundamentally to meet their needs.

ATTORNEY CALLAS:

Is there a question?

BY ATTORNEY WILLIAMS:

Q. Is that --- is that --- is that --- is there --- is ---?
A. Yeah. I --- I --- I think it's a question.
Q. Okay. Let me see if I can --- do you believe that there is a momentum for developing cost allocation and

cost sharing measures that make sure that data centers are bearing more of the cost and expense of building new transmission and new generation to serve their needs, which is over and above the traditional demands of customer centers, both industrial, commercial, residential?

A. I mean, I think it definitely needs to be looked at from a cost allocation across sharing mechanism, yes.

Q. Both on a --- that --- that's something that would be --- the Commission could look at on the state level, as well as PJM could revisit on its level, and the FERC can look at policies to try to bear --- limit the brunt of these expansions on traditional customer bases whose growth is not spurring this additional growth and development?

A. I mean, I've been in this industry a long time and there's been, you know, different avenues of analysis that has happened over the years. And, you know, I think there's always room for improvement. So I would suspect that the state's in for relooking at the data centers because it's --- it's a big load. They're big loads with big impacts.

Q. And if the testimony that was brought in by other witnesses indicated that 70 percent of the growth demand is solely attributed to data centers in the data center

alley for this one line, wouldn't it seem more fair and reasonable to have that customer base bear the highest percentage of cost?

A. I'm not sure that I can comment on that specifically because I was not included in the analysis with the data center load.

ATTORNEY WILLIAMS:

Okay, fair enough. Thank you very much.

A. Thank you.

CHAIR:

Mr. Head.

CROSS EXAMINATION

BY ATTORNEY HEAD:

Q. Hello.

A. Hello.

Q. I'll make this brief. I was wondering if you could answer what the --- the PJM de minimis threshold exemption under the DFAX was.

A. I cannot.

Q. Do --- are you aware that FERC eliminated it in March of this year, the one cent --- I think they called it the one cent exception allocation. Does that sound familiar?

A. No, sir. I'm sorry.

Q. Okay. Well, then I guess you don't know if it would

have any effects on the load share for the AEP entities either?

A. I take all my load share data right off the PJM website.

ATTORNEY HEAD:

Okay, okay, thank you. That's all.

A. Thank you.

CHAIR:

Interveners.

MS. GRUBER:

Nothing for me, ma'am. Thank you.

CHAIR:

Okay, thank you. Okay. I'm going to go a little bit out of order here, so please forgive me. But Ms. Menhorn, I think it would be very helpful --- and I know it's in your testimony, but I'd like to hear it again. How exactly are these costs allocated? So let's start with --- I know we start with 50/50.

A. Yes.

CHAIR:

So --- so what is --- explain how that goes and then just go down the trail as to what comes next.

A. Okay. I'm going to point you to Table 2 on --- on seven.

CHAIR:

I don't think I have that. Oh, wait a minute. Oh, I see.

A. Page seven.

CHAIR:

Okay.

A. So there's --- there's two pieces to what I did. I took the $1.167 billion dollars.

CHAIR:

Okay.

A. Okay. And I took --- see the upgrades that are along the left hand column?

CHAIR:

Yes.

A. If I put those upgrades into the PJM website, it will show me the DFAX for these four zones that are here. These are the DFAX zones. And then right below that it'll show all of the load ratio shares. So I took all those numbers from each of these project IDs and took the $1.167 billion and split it that way. And that's what came out of this WVEUG 3, page 12. That's what the zone portion of the $1.167 billion looks like.

CHAIR:

Okay. So we have the 50/50 and then it's allocated to the different zones. Fifty (50) percent of

it's allocated to the different zones?
A. Fifty (50) percent of it is allocated to those four zones and the other 50 is allocated based on the load ratio share shares.

CHAIR:

Okay. And that's allocated all over the 13 plus District of Columbia PJM?
A. These are the --- these are the zones. These are the ---

CHAIR:

Okay.

A. --- 22 zones.

CHAIR:

Okay, okay. So then how --- what do we do to see how it's going to affect West Virginia ratepayers?
A. Okay. So then it's --- it's --- it's like a retail --- it's like a rate case. I take those costs and I put those into a revenue requirement based on the FERC Attachment H.

CHAIR:

Okay. How much of those costs are you then trying to figure out how much the West Virginia rate payers are paying?
A. It's about --- I mean, from memory, it's about ten percent.

CHAIR:

Okay, all right. So in the states, we're figuring out how to allocate those ten percent of those costs. And I know that you have done this. So for the regular residential First --- Mon Power customer, let's say customer spends $100 a month on electricity. How much is this line going to increase his or her monthly rate?

A. Well, we --- we did --- we did a calculation on a 1,000 kilowatt hour average bill.

CHAIR:

Okay.

A. Okay. So in 2026, it would be an increase of .10 percent or 14 cents a month.

CHAIR:

Okay.

A. The highest that it gets to based on a calculate calculation of 1,000 kilowatt hours a month from Mon Power and PE is in 2032. And that's a $1.12 for a typical residential bill of 1,000 kilowatt hours. That's .81 percent. And then it goes down from there. So it goes up and then it goes down.

CHAIR:

Okay. So in 2032, if we approve this line, it's going to cause --- cost the average Mon Power

customer, $1.12 per month?
A. At these --- at the --- the 1.167 billion, yes.
CHAIR:
And are we also charging the APCo customers?
A. Yes, APCo and Wheeling Power. Now, theirs is in 2032, same 1,000 kilowatt hour bill is 17 cents.
CHAIR:
Okay. Now, let's go to Ms. Grundmann's customers. How much are the residential customers going to see of an increase?
ATTORNEY CALLAS:
Sorry. Do you mean industrial?
A. You mean industrial?
CHAIR:
What did I say?
A. You said residential.
CHAIR:
What?
A. You said residential.
CHAIR:
Oh, okay. You can --- you can represent resident too, Ms. Grundmann.
ATTORNEY GRUNDMANN:
Thank you, Your Honor. I appreciate it.

It's --- I guess the --- the one thing I'll note because I'm just --- I'm concerned about the clarity of the record is these calculations, which is what I was trying to elicit in my Cross, these rate impacts that she is calculating are based on a 7.5 percent.

CHAIR:

Right. We understand that.

ATTORNEY GRUNDMANN:

Okay.

CHAIR:

That's in the record. All right. So how much are the industrial customers going to pay?

A. You know, we --- we --- we did average industrial.

CHAIR:

Yeah.

A. Okay. But I did do a calculation, and I don't have it in front of me, but I did do a calculation for probably somebody in --- in --- in the WVEUG that was 16,000 KVA. And I can't remember the kilowatt hour, but it was a 75 percent load factor. And the impact to that customer in 2032 would have been roughly $4,700 a month. But the percentage is, you know, that's --- that's an industrial bill. The percentage is .71 percent.

CHAIR:

Okay, thank you. Okay. Now, you've

answered my questions. Now, Commissioner Raney.

COMMISSIONER RANEY:

No, ma'am. I have no questions. No, ma'am. Thank you, Ms. Menhorn.

CHAIR:

Mr. Callas.

ATTORNEY CALLAS:

Thank you, Madam Chairman. Yes, I do have a few and I'll --- I'll try to work backwards.

REDIRECT EXAMINATION

BY ATTORNEY CALLAS:

Q. Ms. Menhorn, Mr. Williams for the CAD asked you about the potential impact to some FERC proceedings going forward. Would you agree that whatever those impacts are, they would be prospective and would be unlikely to affect the impacts associated with MARL or MARL cost recovery?

A. Yes, I agree.

Q. There was --- there was some questioning by Ms. Grundmann of you with regard to the table on page two. I'm sorry. Table 2 on page seven of your Direct Testimony. And if I can --- can capture it correctly, the --- the suggestion was it looks like the APS is getting kind of a large share or lion's share of the percentages on these upgrade IDs. And I suppose if one

were to look at the --- the percentages in the left column under APS, a number of which are 100 percent, and if one assumed that the value of all of these projects in terms of CAPEX was basically the same, you might reach that conclusion. Is that fair?

A. Yes.

Q. But it is in fact the case, as your Table 1 shows, that the individual project IDs are far from equal when it comes to the --- the CAPEX that is involved with each. Is that also correct?

A. Yes.

Q. What is the, with reference to Table 1, the very largest upgrade ID and what is its expected CAPEX?

A. I'm sorry. Can you ---?

Q. On --- on Table 1.

A. Oh, Table 1. I'm sorry.

Q. Yes. I'm --- I'm asking you to look at the various ---

A. Yes.

Q. --- CAPEX levels per project ID that you've laid out there.

A. Yes. The biggest upgrade ID is B3800.102 and the CAPEX is 874.15 million.

Q. It looks to me, just on a rough order of magnitude, that's essentially about double all the others added

together.
A. Yes.
Q. Maybe a little more. And if you turn back to Table 2, when you're looking at that same ID, project ID number .102, what is the level that an APSM gets of that huge hunk of the project cost?
A. 25.59 percent.
Q. Oh. Whereas Dominion gets?
A. 51.94 percent.
Q. Okay. Ms. Grundmann also referenced several times what the impacts would be to the APS zone. Her Exhibit 1 that you may not have in front of you, Cross Exhibit 1 was a drawing of the various zones, kind of fuzzy, colorful drawing there, and it showed in blue all of the places where the APS zone resides. Would you agree with me that it's not just West Virginia, but it's, in fact, three other states, including West Virginia?
A. Yes.
Q. Or in addition to West Virginia?
A. Absolutely.
Q. Okay. So the --- the assertion that all the costs are going to APS zone should not be interpreted to mean that all of those costs are going to West Virginia?
A. Absolutely not, yes.
Q. Okay, okay. With those reminder things done,

there's one other issue I wanted to take up with you. It also arises from Ms. Grundmann's testimony and her interjection with Chairman Lane at the end there about her calculation of what the impact might be. I'm going to assume for purposes of these questions that Ms. Grundmann is not as acquainted with the DEA as she might be, and that the resulting effort to misled the Commission was inadvertent. Do you have ---?

CHAIR:

We're never misled, Mr. Callas.

ATTORNEY CALLAS:

I --- I --- I --- I hope that when I'm done with my questioning, it'll be clear that you haven't been.

BY ATTORNEY CALLAS:

Q. Do you happen to have the large binder that says Volume 1 application certificates up there in front of you? You may not. I may need to get it for you. Okay. I've put in front of you the volume of --- the six volumes of the application that inflate --- includes Attachment B, I think it is, which is the designated entity agreement. Do you have that in front of you?

A. Yes, I do.

Q. Is that a document that you had occasion to make particular reference to in preparing your testimony or

not?
A. No.
Q. Okay. So is it safe to say that you've not really read that from cover to cover, not really acquainted with all its components, including the --- the cost containment components of it that have been referenced from time to time in this hearing?
A. That's correct.
Q. Now, the --- the sense of Ms. Grundmann's examination of you on this point was that there was a 7.5 percent ROE floor and potential to earn as much as 9.8 percent. Do you recall that testimony?
A. I do.
Q. And the suggestion was that you used in your numbers the 7.5 percent, when in fact, it could be as much as 9.8 percent, and that somehow you were under-characterizing the potential impact of the project. Is that the way you recall the examination?
A. Yes.
Q. I'm going to ask you to turn to Bates 100.

ATTORNEY GRUNDMANN:

Your Honor, I guess I do have an objection to this. The witness has indicated no familiar with this agreement. And so other than Mr. Callas testifying into the record, she can't testify what's in this document.

ATTORNEY CALLAS:

I'm going to ask her to look at it and draw some conclusions from it. You didn't put it in front of her either.

CHAIR:

Okay. Let's be nice to one another.

BY ATTORNEY CALLAS:

Q. There is a table there at Bates 100 that is labeled Project Cost Cap, Table 1. Do you see that?

A. I do.

Q. Okay. There is --- I will represent to you without requiring you to read this entire agreement, that there were some cost containment measures that the MA offered as part of its bid to PJM that had the effect of offering some guardrails as to what the project might ultimately cost. And Mr. Colley, they testified to some of those things in his testimony. Do you recall hearing some of that?

A. I did.

Q. One of --- one of the very important components of that was the project cost cap. And you'll see as we tick down through the project IDs that include all except for, I think, .14 that we talked about earlier, a project cost cap of $440,945,414. Do you see that?

A. I see that, yes.

Q. I'm going to ask you to assume that if the project costs, as we've projected it will, you know, on the order of $1.2 billion dollars, and there's a project cost cap of $440,000,000 on which in the after in service date part of the project, NEET MA is able to earn on, that the prospect of it earning at that point over the ROE floor of 7.5 percent is highly unrealistic. Would you agree with that ---

A. Yes.

Q. --- general math?

A. Yes, I would agree with that.

Q. Does that make it more ---?

ATTORNEY GRUNDMANN:

Your Honor, I'm going to object. I'm not even sure how she could agree with that. She didn't conduct any math. She didn't assess how the cost capped applied. This is precisely why I objected in the beginning, which is that without --- without any knowledge of this agreement, it is an incredibly complex. My Cross merely pointed out the fact that the agreement itself contains a minimum floor, which we don't dispute, but a maximum. And the witness indicated in her testimony that she conducted her analysis, which --- which I do not fault based upon the numbers given to her by the Company. And I asked her were you aware there was

a maximum number in there that could have been calculated.

And so I --- I think that Mr. Callas is, in addition to personally maligning my character, is also attempting to provide testimony into the record with a witness who cannot possibly on the stand go through this math, other than having been led by him with her questions to answer yes at the conclusion of his very long run-on question.

ATTORNEY CALLAS:

Madam Chairman, if the question is that she initially was presented with had been offered with the observation, the disclosure that a $440.9 million cost cap was in place instead of being withheld from her, then perhaps the --- the answers that she was able to elicit from the witness would have been different.

CHAIR:

I'm assuming, Mr. Callas, that what you are referring to is in the record?

ATTORNEY CALLAS:

The --- the agreement is in the record for sure.

CHAIR:

Therefore, the Commission can draw its own conclusions from what's in the record. And I think we

can move on to something else if you have any more Redirect.

ATTORNEY CALLAS:

No, I don't. Thank you. I've made my point.

CHAIR:

Thank you, Ms. Menhorn. Thank you for coming. And we will take a 15 minute break and then come back for the rest of the witnesses.

ATTORNEY CALLAS:

I --- Your Honor, I think we may have completed our --- NEET MA's witnesses for today. Were there others for today?

CHAIR:

Oh, yes.

ATTORNEY CALLAS:

Okay.

CHAIR:

We have one, two, three, four, five, six Intervener witnesses.

ATTORNEY CALLAS:

Wow. Okay, let's go.

SHORT BREAK TAKEN

CHAIR:

Okay. Let's call our first Intervener,

Bryan Hockman.

COURT REPORTER:

Please raise your right hand.

BRYAN HOCKMAN, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

CHAIR:

Mr. Hockman, why don't you tell us what county you live in?

A. I live in Hampshire County.

CHAIR:

And we have already admitted your pre-filed testimony and so now the parties can cross examine you. And we will start with Mr. Callas.

ATTORNEY CALLAS:

Your Honor, we have indicated in a filing a couple weeks ago that we did not intend to Cross any of these Interveners save Ms. Kunkel, Mr. Campbell and, well, and the Staff witness. So, I --- we have presumed that because of that and because of the Commission's admonition against friendly Cross that the end --- the only possible inquiry of the many Intervener witnesses would be from the Commission itself.

CHAIR:

We will allow Cross Examination from any of the parties if they wish. Mr. Hanna?

ATTORNEY HANNA:

No questions. Thank you.

CHAIR:

Mr. Harkins.

ATTORNEY HARKINS:

No questions. Thank you.

CHAIR:

Ms. Grundmann.

ATTORNEY GRUNDMANN:

No questions.

CHAIR:

Mr. McGhee?

ATTORNEY MCGHEE:

No questions.

CHAIR:

Mr. Stephens?

ATTORNEY STEPHENS:

No questions, Madam Chairman. And just to clarify, I will have no questions for any proceed Pro Se --- Pro Se Interveners. Thank you.

CHAIR:

Mr. Williams.

ATTORNEY WILLIAMS:

No questions.

CHAIR:

Mr. Head?

ATTORNEY HEAD:

No questions.

CHAIR:

Commissioner Larrick.

COMMISSIONER LARRICK:

No questions.

CHAIR:

Commissioner Raney.

COMMISSIONER RANEY:

Turn it on here. I don't know if it's a question or not, but Mr. Hockman, are you a native of Hampshire County?

A. I am.

COMMISSIONER RANEY:

Born and raised and still there?

A. I wasn't raised, but my family was.

COMMISSIONER RANEY:

Is that right? Well, do you have anything you want to add to your testimony?

A. No, not at this time.

COMMISSIONER RANEY:

Okay. Thank you, sir. It's nice to see

you.

A. Nice to see you.

COMMISSIONER RANEY:

Thank you, Madam Chairman.

CHAIR:

Okay. I don't have any questions. So, thank you for your participation.

A. You're welcome. Thank you.

COURT REPORTER:

Can you please raise your right hand?

MYERS LANTZ EVANS, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

CHAIR:

Are there any of the parties that wish to cross examine this witness?

ATTORNEY MCGHEE:

Your Honor, if I could make the same statement as Mr. Stephens. We have no intention to Cross any of the individual Pro Se Interveners.

CHAIR:

Okay. Commissioner Larrick?

COMMISSIONER LARRICK:

No questions.

CHAIR:

Commissioner Raney.

COMMISSIONER RANEY:

Yes, ma'am. I'll ask the same question here for Mr. Evans. First of all, find out that you're a native of Hampshire County.

A. No, sir, but Mineral County.

COMMISSIONER RANEY:

Mineral?

A. Born in Mineral County, moved to Hampshire County.

COMMISSIONER RANEY:

So you didn't wander very far from home?

A. No, sir.

COMMISSIONER RANEY:

How about do you have anything you want to add to your written testimony?

A. No, sir. I do not.

COMMISSIONER RANEY:

Okay. Thank you, sir.

A. Thank you.

COMMISSIONER RANEY:

It's nice to see you. Thank you, Madam Chairman.

CHAIR:

Okay. And I don't have any questions. So

thank you.

A. Thank you. I'm disappointed I don't go through the books.

ATTORNEY CALLAS:

Take one with you.

A. Yeah. I'm disappointed. I wanted to scroll through.

CHAIR:

Sarah Evans.

COURT REPORTER:

Please raise your right hand.

SARAH EVANS, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

CHAIR:

Are there any parties that wish to question this witness? Commissioner Larrick.

COMMISSIONER LARRICK:

No questions.

CHAIR:

Commissioner Raney.

COMMISSIONER RANEY:

Did you come from Mineral County along with your husband or did he have to hunt you up somewhere

else?
A. He had to hunt me. I'm an import. Not it.
COMMISSIONER RANEY:
Are you?
A. Yes.
COMMISSIONER RANEY:
From where?
A. From Pennsylvania. A little place called Andersonburg, so. But I've been here 48 years, so.
COMMISSIONER RANEY:
Well, we're glad to have.
A. Thank you. And I'm glad to be here. It's a good place.
COMMISSIONER RANEY:
Do you have anything you'd like to add to your written testimony?
A. No, I do not.
COMMISSIONER RANEY:
Okay. Thank you, ma'am.
CHAIR:
Okay. I don't have any questions, but thank you.
A. Thank you.
CHAIR:
Deborah Hinrichs?

MS. HINRICHS:

That's very good.

DEBORAH HINRICHS, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

CHAIR:

Are there any questions of this witness? Commissioner Larrick.

COMMISSIONER LARRICK:

No questions.

CHAIR:

Commissioner Raney.

COMMISSIONER RANEY:

Yes, ma'am. Of course I'd like to know, were you a native of. Where'd you grow up?

A. I grew up in the state of Maine.

COMMISSIONER RANEY:

Did you really?

A. I did and moved here. We bought our property about 20 years ago.

COMMISSIONER RANEY:

I see, okay. So you've been a native of Hampshire County for 20 years?

A. I have.

COMMISSIONER RANEY:

Well, I got a little confused this morning when you were talking about --- you in essence said you don't have a dog in the fight, but yet you got a dog in the fight. Can you clarify that just a little bit for me?

A. I moved here to keep the properties in nature and have --- have the flow of animals and everything sustained. So I call my property Laughing Water because of the joy that the sound of the water coming down into my pond makes. And the reason I moved was to be able to be swimming --- swim --- a swimmable water that I could afford. And I just find this whole area and the area of people and who's been living here relates very much to my --- what I hold dear and want to continue that. So our neighbors properties are hundreds of acres. We're a small property, but everyone around me has very large properties that have been in their families for a long time.

COMMISSIONER RANEY:

Well, you were talking this morning and I took from what you said that you don't live within the right of way, but you live next to the right of way. Is that ---?

A. Correct.

COMMISSIONER RANEY:

Am I accurate in that?

A. Correct.

COMMISSIONER RANEY:

Well, thank you. It was nice to have you here, Ms. Hinrichs. Thank you.

A. Thank you.

COMMISSIONER RANEY:

Thank you, Madam Chairman.

CHAIR:

Okay. I don't have any questions. Thank you.

A. Thank you. Thank you for everything.

CHAIR:

Mark Haynes.

COURT REPORTER:

Please raise your right hand.

MARK HAYNES, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

CHAIR:

Are there any questions of this witness? Commissioner Larrick.

COMMISSIONER LARRICK:

No questions.

CHAIR:

Commissioner Raney.

COMMISSIONER RANEY:

We've heard a lot from you, Mr. Haynes, over the last couple of days, which has been welcome. That's okay. That's good. Now, are you a native of Hampshire County?

A. No, sir. I'm a reformed Kentuckian.

COMMISSIONER RANEY:

Are you really? And went to D.C. to work for the Senate Committee, huh?

A. That was one of the reasons, correct, yeah.

COMMISSIONER RANEY:

That's good. I see here you talk about the North River frontage. Are you talking about the North Branch or the Potomac or ---?

A. No, sir. It's --- I like to call it the mighty North River. It's the largest tributary to the Cacapon River, ---

COMMISSIONER RANEY:

Okay.

A. --- which in turn is the third largest tributary to the Potomac River.

COMMISSIONER RANEY:

I see. Okay, good. It's nice to have you here. I hope you're going to stay next two or three days with us.

A. It has been a pleasure. I've learned a lot. And your questions are very good and easy.

COMMISSIONER RANEY:

Thank you. Thank you, sir. Thank you, Madam Chairman.

CHAIR:

Thank you, Mr. Haynes. Next witness is Charles Matthews. Is Mr. Matthews still here?

Okay. That is the end of the witnesses that we have scheduled for today. But Mr. Stephens, I have a question for you. Were any of your County Commission clients going to testify?

ATTORNEY STEPHENS:

Madam Chairman, other than the pre-filed written testimony of Logan Mantz, one of the Hampshire County Commissioners, which Court Reporter already has a hard copy of that, there was no plan to have any testimony from any of those individuals.

CHAIR:

Well, does Mr. Mantz want to testify about the taxes that may come to New Hampshire County?

ATTORNEY STEPHENS:

I could certainly ask him this evening, Your Honor. That's not something I discussed specifically with him leading up to this evidentiary hearing, but ---

CHAIR:

No.

ATTORNEY STEPHENS:

--- happy to reach out to him this evening.

CHAIR:

If --- if he wants to and if he knows, maybe he doesn't. But I'd just like to afford him the opportunity.

ATTORNEY STEPHENS:

Thank you, Madam Chair. I'll --- I'll pass that along to him and see what I hear back.

CHAIR:

Okay, thank you. Now, so we are done for today. Tomorrow we will start at 9:30. And as I understand it, we have several witnesses, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 witnesses for tomorrow. Do you all have cross examination of these witnesses?

ATTORNEY CALLAS:

No, Your Honor.

ATTORNEY HEAD:

Staff does not, --- not --- not --- sorry. Not for any schedule on Thursday.

ATTORNEY CALLAS:

Your Honor, the Commission asked the parties to indicate if they had any Cross of Intervener witnesses by date certain and the parties wrote in to say for whom they did and for whom they did not. And I think pretty uniformly, none of the parties indicated they wanted to Cross any of the Pro Se Interveners.

ATTORNEY WILLIAMS:

And that --- that's the way we had done it before. We weren't planning on doing any of the individual Interveners at all and we were waiting to see what came up from the others before we would ask questions. There are some questions to be asked of the WATI witnesses on Friday. But --- and some other witnesses, but I don't think any of the rest of the individual Interveners are going to be subject to Cross.

CHAIR:

Can we go off the record? And we can continue to stream. I just don't want it to be on --- on the transcript.

OFF RECORD DISCUSSION

CHAIR:

And so why don't you identify yourself and

come one up and we'll get you in.

MARY MAJOR, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

CHAIR:

I assume there are no questions of this witness from ---

ATTORNEY AUVILLE:

Can she provide her name?

CHAIR:

Oh, I'm sorry.

A. My name is Mary Major and I live in Hampshire County.

CHAIR:

Okay. Are there questions of this witness? Commissioner Larrick.

COMMISSIONER LARRICK:

No questions.

CHAIR:

Commissioner Raney.

COMMISSIONER RANEY:

Ms. Major, same questions. Are you a native of Hampshire County?

A. I am not. My mom was born and raised in Princeton,

West Virginia. Moved to ---.

COMMISSIONER RANEY:

Really?

A. Yep. Moved to Maryland.

COMMISSIONER RANEY:

As was I.

A. Yep. As a child, moved to Maryland. I went to college at Frostburg State University in Western Maryland ---

COMMISSIONER RANEY:

Yes, ma'am.

A. --- and fell in love with the mountains.

COMMISSIONER RANEY:

Good.

A. And my husband and I bought the property about 15 years ago and we finally built a house in Hampshire County and I love it. I love living in West Virginia.

COMMISSIONER RANEY:

It's nice to have you move north, but at least you came back home.

A. True enough, yeah.

COMMISSIONER RANEY:

Thank you, Madam Chairman.

CHAIR:

I don't have any questions. Thank you.

MR. BROWN:

Madam Chairman, Ms. Gruber is scheduled for Thursday as well. She's online. I don't know if you want to address if she would like to attend.

CHAIR:

Mr. Gruber, would you like to be sworn in, please?

MS. GRUBER:

That'll be fine. Thank you.

COURT REPORTER:

Can you please raise your right hand?

KRISTI GRUBER, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

CHAIR:

Do any of the parties have questions of this witness? Commissioner Larrick.

COMMISSIONER LARRICK:

No questions.

CHAIR:

Commissioner Raney.

COMMISSIONER RANEY:

Ms. Gruber, I ask you the same question. I haven't seen you, but you've been very active and I

appreciate that. But tell me about where you grew up and where you currently live.

A. Well, I'm a native of Pennsylvania and I lived in Jefferson County for about 30 years and then I moved out here after retiring from the military. Both my sister and I, my sister's my neighbor, Karen Trueblood, and her husband Michael. We bought tract of land out here. She's also retired military, both of us Navy. And we bought this property to set up a family compound for our extended family and our grandkids, kids and grandkids, who spend all their summers out here. And we are looking to --- we have plans to create major farmlands and animals. And so we've had about a 15, 20 year plan that we've been working on for quite some time. And we have put this all together in the last couple of years and we're just hoping that it doesn't get all destroyed. So --- but yes, that's. So we've been very much enjoying this out here. And as I said, we've been working --- I personally moved here three years ago and have been working diligently to build up these properties. So that's my story and my sister's doing the same. And that's why we were asking about the bees, because we have, you know, plant new bees and we have chickens. And so we're looking at, you know, how these lines are going to affect our --- our plans for our future, our

children's future and our grandchildren's future. So thank you for asking, sir. I appreciate it.

COMMISSIONER RANEY:

Yes, ma'am. I presume out here means Hampshire County?

A. Oh, yes, sir. Yes.

COMMISSIONER RANEY:

And yesterday was Navy Day, was it not?

A. Yes, sir.

COMMISSIONER RANEY:

All right. Well, thank you very much, Ms. Gruber. Thank you, Madam Chairman.

CHAIR:

I don't have any questions of this witness. Now, are there other people in the audience? Okay. Now --- yes, sir.

ATTORNEY HANNA:

I think --- I think there are some other folks here.

COMMISSIONER RANEY:

Mr. Wotring.

CHAIR:

Yes.

ATTORNEY HANNA:

Mr. Wotring and there's several over here

that are ---.

MS. MARTENEY:

Scott and I, we're scheduled for tomorrow.

CHAIR:

Okay. Well, then, let's go ahead. You want to come on up, sir?

COURT REPORTER:

Can you please raise your right hand?

JOHN WOTRING, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

CHAIR:

Are there any questions of this witness? Commissioner Larrick.

COMMISSIONER LARRICK:

No questions.

CHAIR:

Commissioner Raney.

COMMISSIONER RANEY:

Same questions, Mr. Wotring. I want to know where you came from. I know you're Hampshire County right now though, I took from your questions or testimony this morning.

A. Born and raised at Capon Bridge, West Virginia.

Well, actually, I was born in Winchester Medical Center Bridge, West Virginia. Capon Ridge, West Virginia, you know. We didn't call it the birthplace, we had to go to the hospital.

COMMISSIONER RANEY:

Well, there you go.

A. But yeah, born and raised Capon Ridge as was my father. Just for the record, these pictures in my testimony, he landed on the third wave in Omaha Beach, June 6, 1944. By rights, I shouldn't even be here discussing because, you know, the odds of me being here so remote, it's unbelievable. But his father was born in Hampshire County, West Virginia, as was his father.

COMMISSIONER RANEY:

Is this the farm that you're living on currently?

A. No, I do not live on that farm. We have a separate home in Capon Ridge that we live on, but it's one of three farms in our family owns now, myself, my wife and my son, as evidenced in this testimony. All three of the properties have been in the family for between, I don't know, was it 66 and 79 years. If you go look at any one of the three properties, they would look very much the same as they did when they were procured. Yeah, no --- no --- there's been no subdivision, no development, no

parceling, no nothing. Use them for farming and timber lumber as well.

COMMISSIONER RANEY:

And I understand two of them have lines on them and one doesn't. Am I correct in remembering what you said?

A. Yes. Two of them have existing lines. And I actually have small corrections all I have in my written testimony. The transmission line that hit --- hits our Lazy J Ranch property, I think on page three of the testimony, I think I have Fort Martin's Doubs line identified there. It's actually the Mount Storm line. Mount Storm Doubs line. I was looking at so many lines in a hurry to write this, I got the wrong line in there. So on page three, that should read Mount Storm Doubs 500 kilovolt transmission line that hits our Lazy J Ranch property. The Hampshire Gore line hits the subject property that we're talking about, which is 186.44 acre parcel we affectionally call the Woolly Farm. If MARL were to come through, that would be a second line on that property. So there's three lines --- would be three lines. And then as I mentioned before, if Valley North comes in, it looks like to me, at least, based on the first open house that they had and the discussions I had there, that would be a third line on the Lazy J Ranch

property or the Woolly Farm property. It would hit the mountain track. The Woolly Farm has two tracts of land, 130 acre mountain tract, 56.4 acre river tract that joins the Capon River about two miles south of Capon Ridge. Their project line, A line, which was their preferred line at the time of the open house, would hit the mountain tract of that Wooly Farm and it would be to the south of the river tract, but only by about 1,080 feet from the existing Hampshire Gore line. So it's just across our --- our boundary. And then the northern line is one of their options, too. If it's hit --- if it's taken as opposed to their line A option, it will come very close, if not hitting our third property that doesn't have a transmission line on it.

COMMISSIONER RANEY:

So stay tuned. You're going to be hooked up for a long time.

A. I guess so, if I --- if I live through it.

COMMISSIONER RANEY:

Thank you, Mr. Wotring. It's nice to see you. Thank you, Madam Chair.

A. Thank you.

CHAIR:

I don't have any questions. Thank you.

A. Thank you.

CHAIR:

Next person.

COURT REPORTER:

Please raise your right hand.

WILLIAM SCOTT MARTENEY, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

MR. BROWN:

Name?

A. William Scott Marteney. I go by my middle name Scott.

MR. BROWN:

M-A-R-T-E-N-E-Y?

A. Yes, sir.

COMMISSIONER RANEY:

Okay.

CHAIR:

Do any of the parties have questions of this witness? Commissioner Larrick.

COMMISSIONER LARRICK:

No questions.

CHAIR:

Commissioner Raney.

COMMISSIONER RANEY:

Tell me a little bit about William Marteney.

A. Well, I don't like to tell a lot of people this, but I guess. Here we go. I wasn't born ---.

COMMISSIONER RANEY:

I mean, you can lie. Nobody knows the difference.

A. Well, that's true. Well, there's some people that do know. I was born in Ohio, but I don't have very many memories. I was just a child, but I was pretty much raised in Upshur County, moved up in the Mineral County area for work with the railroad and found this place for retirement that we've been working on since 2019. It's kind of on hold right now.

COMMISSIONER RANEY:

Good. Thank you, sir. Thank you, Madam Chairman.

CHAIR:

I don't have any questions. Thank you. Are there other --- others in the audience? Okay, thank you.

COURT REPORTER:

Can you please raise your right hand?

SUSAN MARTENEY, HAVING FIRST BEEN DULY SWORN, TESTIFIED

AS FOLLOWS:

A. My name is Susan Marteney. I go by Susie. I'm Scott's wife.

CHAIR:

Do any of the parties have questions of this witness? Commissioner Larrick.

COMMISSIONER LARRICK:

No questions.

CHAIR:

Commissioner Raney.

COMMISSIONER RANEY:

Yes, ma'am. Mr. Marteney, where --- where did he have to come find you? Was it in Upshur County?

A. He found me in Cumberland, Maryland.

COMMISSIONER RANEY:

Oh, did he? Okay.

A. And then he went hillbilly 30 years ago.

COMMISSIONER RANEY:

There you go. Fantastic.

A. And we bought this place in 2019, and he --- like he said, we just, we knew right away as soon as we walked up the driveway and we don't want to lose it. So, that's why we're here.

COMMISSIONER RANEY:

Good. Bless your heart. Thank you, Ms. Marteney. Thank you, Madam Chairman.

A. Thank you.

CHAIR:

Okay. I don't have any questions. Thank you. Now, are there other the audience? Yes, sir. Come on up.

COURT REPORTER:

Please raise your right hand.

KENT HUNTER, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

CHAIR:

Do any of the parties wish to cross examine this witness?

MR. BROWN:

Name.

A. Yes, I can give you my name. I'm actually on day --- well, Monday --- on the list on Monday. My name is Kent Hunter and I am a resident and a native of Monongalia County.

CHAIR:

Do any of the parties wish to ask this witness questions? Commissioner Larrick.

COMMISSIONER LARRICK:

No questions.

COMMISSIONER RANEY:

Mr. Hunter, you --- you answered my question. But curiously, in Monongalia County, were you --- are you in line? Are you a host? Are you part of this in the right of way or where? Where are you in Monongalia County?

A. Yes, good question. I live in an area of Monongalia County that borders by about a mile, Pennsylvania. So this line is intended to go about a mile from my house. So I'm not a host. My concerns as an Intervener are I live on a family farm. It's a dairy farm. It's been in --- the property has been in my father's family for generations. And it already has power lines on it that come from Fort Martin. So this particular line will be a little bit north of us. And the view shed, which is, as you can imagine, in that area, is very impressive. We have picked a couple of homes on a couple of hills that we can see for miles and miles and miles and that's not an exaggeration. The maps and the submission for the application that MARL put in place show that we --- my dad's house is next to mine, is about a football field away, and then I own two homes. We will see between 46 and 67 towers as they come across the mountain and then

go through the rest of Pennsylvania across Cheat Lake.

COMMISSIONER RANEY:

On this proposed line, ---

A. Yes.

COMMISSIONER RANEY:

--- you'll see them?

A. On A, on the A line.

COMMISSIONER RANEY:

I see.

A. Yes. So that's one concern. And then the --- I asked a safety question the other day to Dr. Abdulsalam about --- and I set it up with a little bit of a history regarding downed power lines and electrocuted cattle. Same power line that has come down and energized the earth without electrocuting cattle, but still didn't trip as they're intended to do. And then about a half a mile away, a power line that came down and started a brush fire. So my questions on that day were in regards to how are these current lines that are in place being maintained. We're going to add more to the mix of power lines. We already have some that aren't being maintained and causing concerns. So the property values of our properties will go down because of the view shed impact from these 46 to 67 towers. It just depends on where you stand. And then also the safety component as well. And

then my third concern is with regards to why should I pay for this power line that is not going to benefit us at all.

COMMISSIONER RANEY:

Thank you, sir.

A. Thank you.

COMMISSIONER RANEY:

Thank you, Madam Chairman. You were scheduled for tomorrow?

A. I was scheduled for Monday.

COMMISSIONER RANEY:

Oh, for Monday.

A. So you can cross me off Monday.

CHAIR:

Okay, thank you. I have no questions. Thank you.

MR. KEVIN EVANS:

I was scheduled for tomorrow.

COURT REPORTER:

Okay. So you want to come and ---?

MR. KEVIN EVANS:

I will or ---.

CHAIR:

Yes.

COURT REPORTER:

Please raise your right hand.

KEVIN EVANS, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

A. My name is Kevin Evans and I'm a affected landowner in Hampshire County.

CHAIR:

Are there any questions of this witness? Commissioner Larrick.

COMMISSIONER LARRICK:

No questions.

CHAIR:

Commissioner Raney.

COMMISSIONER RANEY:

Yes, sir. Yes, ma'am. I'll ask Mr. Evans the same thing. I mean, I know you like good food because I saw you at Harding's last night.

A. I know that's the place to eat.

COMMISSIONER RANEY:

It sure is. Tell me about where you came from and where you are specifically in Hampshire County.

A. I was born in Romney ---

COMMISSIONER RANEY:

Okay.

A. --- and I lived there most of my life. But early in my life, my dad was a manager of Southern State, so they moved us around. I was one of six kids and --- but since about second grade, I've lived in Hampshire County, Romney, then --- in the western part of the County. And then we moved back to town and I married my wife. She's the pretty one back there in the back. And matter of fact, next May, we will have been married for 50 years.

COMMISSIONER RANEY:

Congratulations.

A. Almost made it, but in 2011, we bought the place that we live now and it's all on one level. It's 2,800 square foot and it's our retirement home. And when the news of this came through, we were dreading it. And then when we finally found out that it was coming on our side of the power line and we knew it was going to be close, but not so much. But it wasn't until I cut the brush and took a tape measure and put it on the ground instead of from a satellite picture from thousands of miles away or however far it is, that we realized it was within 41 --- the right of way is within 41 feet of our house. So we're 141 feet to the center line and it's just devastating. I know people said that there's no danger and they --- they wouldn't be bothered about living next to a power line, but I doubt that any of them actually

do. So I don't know. It's just --- it's been devastating for us.

COMMISSIONER RANEY:

Are you currently retired?

A. I am, yes. We did ---.

COMMISSIONER RANEY:

From?

A. I just retired from --- I worked in factories most of my life as a maintenance person. I was the guy they called and said, hey, my machine don't work.

COMMISSIONER RANEY:

Broken down.

A. Yeah. Capri Sun that your kids drank, I was at the last one for 17 years. But then I drove a school bus for the last two, three years just for insurance and I retired from that this past May, so here we are.

COMMISSIONER RANEY:

Congratulations on 50 years of marriage.

A. Thank you.

COMMISSIONER RANEY:

Thank you for the explanation. Thank you, Madam Chairman.

A. Thank you for the opportunity and you guys listening to our voices.

CHAIR:

Thank you for coming. Now, are there other witnesses? Let's go off the record again.

OFF RECORD DISCUSSION

CHAIR:

Okay. So we will start tomorrow at 10:00. All right, thank you.

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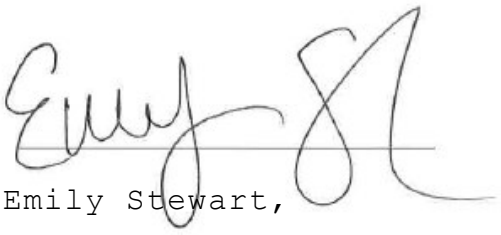
HEARING CONCLUDED AT 6:54 P.M.

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CERTIFICATE

I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me, and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability.

I certify that the attached transcript meets the requirements set forth within article twenty-seven, chapter forty-seven of the West Virginia Code.



Emily Stewart,

Court Reporter