

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of )  
 Columbus Southern Power Company for an )  
 Amendment to its Certificate of ) Case No. 08-974-EL-BTA  
 Environmental Compatibility and Public )  
 Need to Construct the Don Marquis )  
 138 kV Line Project. )

ORDER ON CERTIFICATE AMENDMENT

The Ohio Power Siting Board, coming now to consider the above-entitled matter and having determined that a public hearing is not necessary, having reviewed the amendment application and being otherwise fully advised, hereby issues its Order on Certificate Amendment in accordance with Section 4906.10, Revised Code.

INTRODUCTION:

A. History of the Proceeding:

On June 2, 2008, the Ohio Power Siting Board (Board) issued an Opinion, Order, and Certificate, in Case No. 07-715-EL-BTX (07-715), granting the application of Columbus Southern Power Company (CSP) for a certificate to construct a double-circuit 138-kilovolt (kV) transmission line from its Don Marquis Station to the Lick-Waverly 138-kV transmission line in Pike County, Ohio (Don Marquis project).

On August 12, 2008, CSP filed an application to amend the certificate issued in 07-715. The proposed amendment is to relocate a portion of the Don Marquis project. CSP explains that the U. S. Department of Energy (DOE) has requested that CSP relocate the portion of the line that is on DOE property because the certificated route is in conflict with potential DOE expansion plans and that the proposed amended route for this section of the project is also located on DOE property. According to CSP's application, the proposed amended route would be located south of the certificated route and reconnect with the certificated route before leaving DOE property.

In accordance with Rule 4906-5-10(B), Ohio Administrative Code (O.A.C.), CSP served copies of the amendment application upon local officials. Within the discretion granted in Rule 4906-5-10(B), O.A.C., by entry issued September 22, 2008, the administrative law judge directed CSP to publish notice of the amendment application. Notice of the amendment application was published in Pike and Ross Counties, Ohio on October 1, and October 2, 2008 in the Waverly Watchman and the Chillicothe Gazette, respectively. CSP filed its proofs of publication with the Board on October 6, 2008. Pursuant to the public notice, interested persons were given 10 days in which to respond

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to the proposed amendment. Accordingly, any objections needed to be filed with the Board by October 12, 2008. The Board did not receive any letters raising objections to the proposed amendment.

B. Staff Investigation of Proposed Amendment:

On September 19, 2008, Board Staff filed its report evaluating the amendment application. Board Staff states that it reviewed the amendment application and visited the site.

In its report, the Staff notes that the route modification was proposed at the request of the property owner, DOE, to avoid conflict with DOE's expansion plans. Staff explains that the amended route would primarily parallel an existing transmission line corridor on DOE property and, because it would be located entirely on DOE property, no other property owners should be impacted by the reroute.

Staff reports that the 1.07 mile portion of the route approved in 07-715 crossed no wetlands, no ponds, three streams and required the clearing of approximately 7.36 acres of right-of-way. Further, along this portion of the approved route, Staff states that two threatened and endangered plant species were identified in the right-of-way. In comparison, the proposed reroute crosses one Category 1 wetland, two streams and two ponds and would require the clearing of approximately 9.16 acres of right-of-way, according to the Staff report. Staff notes that there were no threatened and endangered plant species identified in the right-of-way of the proposed amended route.

Staff acknowledges that the proposed amended route will involve more right-of-way clearing. However, Staff finds that the nature of the clearing is different with the proposed amended route, as it involves clearing immediately adjacent to an existing transmission corridor rather than a new corridor through dense woodlots. The amended route would cross a wetland and two ponds, one of which Staff believes to be man-made. Staff reasons that the amended route would reduce the overall number of stream crossings by one and would alleviate concerns about threatened and endangered plants, as compared to the route approved in 07-715. Staff recommends that, in addition to the conditions approved by the Board in 07-715, CSP be directed to comply with the conditions set forth in the Staff report for the amendment application, as listed below. Thus, Staff concludes that, with CSP's adherence to such conditions, the construction of the project, as approved in 07-715 and amended herein, poses only minimal negative social and environmental impacts.

Staff proposes the following recommended conditions to approval of the amendment application:

1. That the applicant comply with the stipulated conditions of the certificate issued in 07-715 that pertain to the Don Marquis project, such as requirements for installing and maintaining erosion and sedimentation control measures, flagging wetland areas, having an environmental specialist on site when working in or near environmentally sensitive areas, and developing an internal process for preserving woody riparian area vegetation during future right-of-way maintenance work for this line, as approved by the Board on June 2, 2008.
2. That the applicant obtain all necessary local, state and federal permits necessary for the construction of this project prior to the commencement of construction.
3. That the applicant discuss the details of tree clearing parameters specific to this project at a pre-construction meeting with Staff.

C. Decision:

Upon a review of the record, the Board finds that the amendment of the certificated Don Marquis transmission line to the new location on US DOE property, with the adoption of Staff's recommended conditions, promotes the public convenience and necessity, is not a substantial change in the certificated facility, and will not result in any additional significant adverse environmental impact. The Board also finds that a hearing is not necessary in this case. Accordingly, the Board concludes that CSP's 07-715 certificate should be amended to relocate the transmission line as requested in this proceeding. The certificate conditions are hereby amended to incorporate the amendment.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

- (1) CSP is subject to the Board's jurisdiction under Chapter 4906, Revised Code.
- (2) On August 12, 2008, CSP filed an application to amend the certificate issued in 07-715. The proposed amendment is to relocate a portion of the certificated Don Marquis project. The affected section of the project is located in Pike County, Ohio.
- (3) In accordance with Rule 4906-5-10(B), O.A.C., public notice of the proposed amendment was published in Pike and Ross Counties, Ohio. On October 6, 2008, CSP filed its proofs of

publication. CSP also served copies of the amendment application upon local government officials, in accordance with Rule 4906-5-10(B), O.A.C.

- (4) The certificated Don Marquis line project is to construct a double-circuit 138-kV transmission line from CSP's Don Marquis Station to the Lick-Waverly 138-kV transmission line in Pike County, Ohio. The amendment application proposes to change the location of the portion of the transmission line to be located on DOE property to a new location also on DOE property.
- (5) The proposed relocation of the transmission line is not a substantial change in the certificated facility and will not result in any significant adverse environmental impact.
- (6) Based on the record, the certificate of environmental compatibility and public need for the 07-715 Don Marquis line project should be amended to permit construction, operation, and maintenance of the transmission line with the changes described in this order, subject to the conditions set forth in the Staff report.

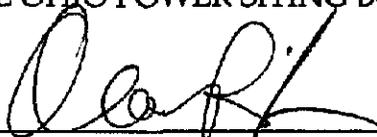
ORDER:

It is, therefore,

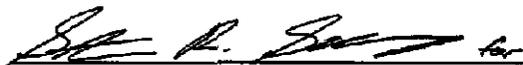
ORDERED, That the certificate of environmental compatibility and public need for the 07-715 electric transmission line project is hereby amended to permit the relocation of that portion of the line located on DOE property, as described in this order, subject to the additional conditions set forth by the Staff in its report of September 19, 2008. It is, further,

ORDERED, That a copy of this Order on Certificate Amendment be served upon all interested persons of record.

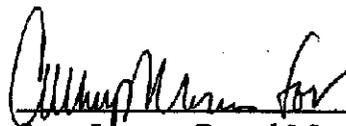
THE OHIO POWER SITING BOARD



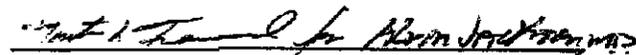
Alan R. Schriber, Chairman of the Public Utilities Commission of Ohio



Lee Fisher, Board Member and Director of the Ohio Department of Development



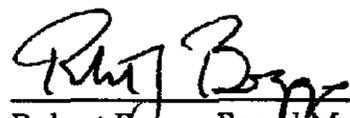
Sean Logan, Board Member and Director of the Ohio Department of Natural Resources



Alvin Jackson M.D., Board Member and Director of the Ohio Department of Health



Christopher Korleski, Board Member and Director of the Ohio Environmental Protection Agency

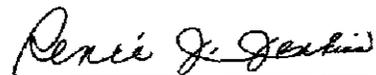


Robert Boggs, Board Member and Director of the Ohio Department of Agriculture

GNS/vrm

Entered in the Journal

OCT 28 2008



Renee J. Jenkins  
Secretary