

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of Columbus)
Southern Power Company for a Certificate of)
Environmental Compatibility and Public) Case No. 08-170-EL-BTX
Need for the Roberts-OSU 138kV)
Transmission Line Project.)

ENTRY ON REHEARING

The administrative law judge finds:

- (1) On September 21, 2009, the Ohio Power Siting Board (Board) issued an Opinion, Order, and Certificate granting to Columbus Southern Power Company (CSPC) a certificate to construct, operate, and maintain a 138-kilovolt (kV) transmission line from CSPC's Roberts Station to the OSU Station (Roberts-OSU project) in Franklin County, Ohio.
- (2) On October 20, 2009, a document was filed by the Quarry Pointe Homeowners Association (QPHOA) entitled "Application for Rehearing" asking the Board to reconsider the Board's September 21, 2009, Opinion, Order, and Certificate. On October 21, 2009, documents purporting to support the arguments raised in the October 20, 2009, filing by the QPHOA were filed in this matter by residents of the Highpoint Subdivision (Highpoint) and the Stonebrooke Village Condominium Association (Stonebrooke). Also on October 21, 2009, residents living along Dublin Road (the Dublin Road residents) filed a document asking the Board to rehear the September 21, 2009, Opinion, Order, and Certificate. Collectively, these entities will be referred to as the Homeowner Groups.
- (3) Collectively, the Homeowner Groups argue that inadequate consideration has been given to the impact of the project on real property values due to this project and that inadequate consideration has been given to the impacts this project will have on aesthetics and wildlife in the Homeowner Groups' affected areas. QPHOA, Highpoint, and Stonebrooke also argue that their members received inadequate notice of the Roberts-OSU project. Additionally, QPHOA and the Dublin Road residents seek rehearing in order to cause CSPC to

modify the Roberts-OSU project to remove the above-ground portion of the line and to bury the transmission line underground for the full length of the project.

- (4) CSPC filed a memorandum contra the documents filed in this matter by the Homeowner Groups on October 30, 2009. CSPC argues that the Homeowner Groups did not satisfy the statutory requirements necessary for the Board to consider the documents filed on October 20 and October 21, 2009, as applications for rehearing. In any event, should the Board consider the documents filed by the Homeowner Groups to be valid applications for rehearing, CSPC argues that rehearing should be denied as the Board fully considered the concerns raised by the Homeowners Groups in rendering the September 21, 2009, Opinion, Order, and Certificate in this matter.
- (5) Section 4906.12, Revised Code, states, in relevant part, that Sections 4903.02 to 4903.16 and 4903.20 to 4903.23, Revised Code, apply to a proceeding or order of the Board as if the Board were the Public Utilities Commission of Ohio.
- (6) Rule 4906-7-17(D), Ohio Administrative Code (O.A.C.), states, in relevant part, that any party or affected person may file an application for rehearing, within 30 days after the issuance of a Board order in the manner and form and circumstances set forth in Section 4903.10, Revised Code.
- (7) Section 4903.10, Revised Code, states that any party to a Commission proceeding may apply for rehearing with respect to any matter determined by the Commission within 30 days after the entry of the order upon the journal of the Commission.
- (8) Pursuant to the authority set forth in Rule 4906-7-17(I), O.A.C., the administrative law judge determines that rehearing should be granted to afford the Board more time to consider the issues raised in this matter by QPHOA and the Dublin Road residents on October 20 and October 21, 2009, respectively.

It is, therefore,

ORDERED, That rehearing be granted as outlined in finding 8. It is, further,

ORDERED, That a copy of this entry on rehearing be served upon all parties and interested persons of record.

THE OHIO POWER SITING BOARD

By: Jeffrey R. Jones
Jeffrey R. Jones
Administrative Law Judge

/vrm ⁷²⁹

Entered in the Journal

NOV 18 2009

Renee J. Jenkins

Renee J. Jenkins
Secretary