

BEFORE THE
OHIO POWER SITING BOARD

In The Matter Of:)	
The Application of American Transmission)	Case No. 11-2754-EL-BSB
Systems, Incorporated and The Cleveland Electric)	
Illuminating Company for a Certificate of Environmental)	
Compatibility and Public Need for the Construction)	
of the Clinic Hospital Substation)	

**MOTION BY APPLICANT
AMERICAN TRANSMISSION SYSTEMS, INCORPORATED
FOR CERTAIN WAIVERS**

Applicants American Transmission Systems, Incorporated ("ATSI") and The Cleveland Electric Illuminating Company ("CEI"), subsidiaries of FirstEnergy Corp., are proposing to construct a new substation to serve the Cleveland Clinic's Main Campus in Cleveland, Ohio. The proposed new Clinic Hospital Substation is needed to serve the existing and expanded hospital facilities on the main campus of the Cleveland Clinic. An Application for such Certificate will be filed with the Board shortly.

The Clinic Hospital Substation project will require the construction of a new substation in a highly developed commercial, urban and industrial area and will involve construction on property that has already been previously developed. Further, because the substation is needed to serve a particular large commercial user, the options for the location of the proposed new substation are limited. The Applicants have identified a site that is currently owned by the Cleveland Clinic that meets the requirements for the Project. Given both the nature of the area and the ownership of the Property by the Cleveland Clinic, which is agreeable to transferring ownership of the site to the Applicants, this site is the site for the Project that will both minimize

adverse impacts and is available for redevelopment. Because the proposed site for the substation minimizes adverse impacts and is available for redevelopment, it is the most appropriate site for the Project and the Applicants request that the Board waive the requirement for the submittal of fully developed information on an alternate site for the Project.

Further, to complete construction within the time frame of the Project timeline and to meet the expected need of the Cleveland Clinic, the Applicants also requests that the Board waive the requirement for the Application to be submitted at least one year before the planned commencement of construction. Both of these requested waivers are consistent with the Board's authority, will not impact the ability of the Board to properly review the Application, and will help to ensure that the Project, if approved, will be timely constructed with minimal adverse environmental impacts.

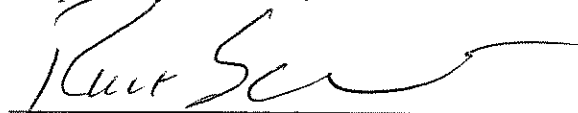
Therefore, to minimize impacts and to meet the overall Project schedule to ensure need is addressed, and pursuant to R.C. §4906.06(A)(6), Admin. Code §4906-1-05, Admin. Code §4906-1-03, and Admin. Code §4906-5-04(B), the Applicants requests waivers of the following Application requirements for the Clinic Hospital Substation Project:

1. The requirement set forth in Section 4906.06(A)(6) of the Ohio Revised Code that applications for major utilities be filed not less than one year (nor more than five years) prior to the planned date of commencement of construction; and
2. The requirement set forth in Admin. Code §4906-5-04(B) that an application for a proposed substation site contain fully developed information on an alternative site.

As the statute and rules anticipate, in cases where transmission substations and associated facilities are needed to address important community needs and to minimize impacts from a proposed project, the Board has the authority to waive certain procedural requirements. Neither of the waivers requested in this case will limit the Board's ability to review the Project, and they

will allow the Applicants to construct the needed substation at a location that represents the minimal adverse environmental impacts in a timely manner consistent with the overall project schedule. The need for the Project, the nature of the area served by the proposed new substation, and the fact that the proposed preferred site for the substation is already owned by the Cleveland Clinic, represent good cause for granting these limited waivers that will not impact the Board's ability to carry out its statutory duty of review prior to issuance of a Certificate of Environmental Compatibility and Public Need.

Respectfully submitted,



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MEMORANDUM IN SUPPORT

A. Introduction.

American Transmission Systems, Incorporated ("ATSI") and The Cleveland Electric Illuminating Company, wholly owned subsidiaries of FirstEnergy Corp., are seeking a Certificate of Environmental Compatibility and Public Need ("Certificate") from the Ohio Power Siting Board ("Board") for the construction of a new substation to serve the Cleveland Clinic's Main Campus in Cleveland, Ohio ("the Project"). The scope of the Project involves construction of a new 138 to 34.5 kV substation with four 138 kV connections to nearby existing transmission lines.

The area to be served by the proposed new substation is a highly developed commercial, urban and industrial area located east of downtown Cleveland adjacent to the area known as University Circle. Further, due to the need to construct the new substation in proximity to existing transmission lines and the Cleveland Clinic's Main Campus, there is a limited geographic area that can be considered for the location of the new substation. Due to the fully developed nature of the project area, however, there are not expected to be many, if any, adverse environmental impacts and the likely socioeconomic impacts will be the same or substantially

similar regardless of the ultimate location selected for the construction of the substation. For this reason, the Applicant, in consultation with the Cleveland Clinic, believes that the proposed preferred site located adjacent to the southeast corner of Stokes Boulevard and Cedar Avenue, which is currently a parking lot owned by the Cleveland Clinic, is the site with the fewest overall impacts within the project area. The Cleveland Clinic is willing to transfer ownership of this site to the Applicants as part of the Project. Consequently, although the Applicants will propose an alternate site for the Project in the Application, the Alternate Site does not represent the site with the minimum adverse impacts, and in particular any Alternate Site will need to be acquired by the Applicants. The Applicants therefore request this waiver to the requirement for the submittal of fully developed information on the Alternate Site to conserve the resources of the Applicant, the Cleveland Clinic and the Staff.

ATSI is also requesting a waiver of the requirement that applications be submitted at least a year in advance of the planned start date for construction. Due to the need for this project to serve the existing and future needs of the Cleveland Clinic's Main Campus, if the Board approves the Project, the Applicants are likely to start construction of the Project around February 1, 2013, less than one year from the date of the submittal of the Application. This request, however, will not impact the ability of the Staff to complete a full review of the application or the public to participate in these proceedings.

Since the Applicants are not requesting a waiver of any requirements related to the substantive review of the Application or the public participation requirements in the review process, the requested waiver of the one year requirement will not adversely impact the ability of the Board or its staff to review the applications, nor will it limit in any way the ability of interested parties to participate in these proceedings.

B. Specific Waivers Requested By This Motion.

1. Waiver of the Provision Requiring Filing of Application One Year Prior to the Planned Date of Commencement of Construction

R.C. §4906.06(A)(6) requires applications should be filed not less than one year prior to the planned date of commencement of construction. The Applicants anticipate submitting the application for this Project as soon as June 6, 2012 and anticipate starting construction as soon as February 1, 2013, if approved by the Board. As discussed above, this Project is needed to address existing and future loads for the Cleveland Clinic's Main Campus.

Because of the need for the project, the Applicants respectfully requests that the Board waive the requirement of Section 4906.06(A) of the Revised Code that the Application for the Project be filed at least one year in advance of the planned commencement of construction and allow ATSI to submit the application in June 2012 with a planned construction state date as early as February 1, 2013.

2. Waiver of Provision Requiring the Submittal of fully Developed information on an Alternate Site

Admin. Code § 4906-5-04(A) provides that certificate applications for gas and electric power transmission facilities shall include fully developed information on two sites and that each proposed site shall be designated as a preferred or an alternate site. In this case, the Applicants will submit an Application that has fully developed information on the Preferred Site, which is in the project area and currently owned by the Cleveland Clinic. Due to the fact that the project area is fully developed, any alternate site will have substantially the same adverse impacts, and the fact that the proposed Preferred Site is already owned by the Cleveland Clinic, which is willing to transfer ownership of the site to the Applicants, good cause exists to grant the requested waiver of Admin. Code §4906-5-04(B) pursuant to Admin. Code §4906-1-03.

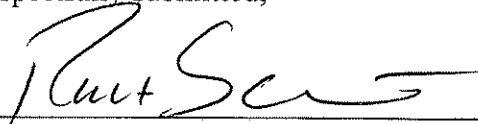
Although the Applicants will provide data on an alternate site, the Applicants believe that providing fully developed information on any alternative site will not present the Board with a practical and meaningful option that will have fewer impacts – the project area is highly developed already, environmental impacts will be minimal, and any socioeconomic impacts from the construction of the substation will be the same or substantially similar regardless of location within the project area. For this reason, good cause exists to waive the requirement for fully develop information an alternate site, as provided in Admin. Code Rule 4906-1-03.

Therefore, ATSI respectfully requests that the Board or the Administrative Law Judge expeditiously issue an Order waiving the requirement in O.A.C. § 4906-5-04(B) that the Applicants provide fully developed information on an alternate site and grant the Applicants permission to submit an Application with only fully developed information on the Preferred Site for the consideration of the Board.

III. CONCLUSION

For the reasons set forth above, the Applicants believe that good cause exists to waive the foregoing requirements of R.C. §4906.06(A)(6) and Admin. Code §4906-5-04(B) for the soon to be submitted Application of ATSI for a Certificate of Environmental Compatibility and Public Need for the construction of the Clinic Hospital Substation. The Applicants request that the Board or Administrative Law Judge expeditiously rule on this request and grant the respective waivers in order to ensure that the Applicants can submit the necessary Application and the Board can consider the Application and issue a Certificate in a timely manner consistent with the overall project schedule.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing "Motion By Applicant American Transmission, Incorporated and The Cleveland Electric Illuminating Company For Certain Waivers" was served upon the following persons by electronic filing and mailing a copy, postage prepaid, on June 1, 2012, addressed to:

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This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

6/1/2012 9:22:46 AM

in

Case No(s). 11-2754-EL-BSB

Summary: Motion Motion for Certain Waivers and Memo in Support electronically filed by Mr. Robert J Schmidt on behalf of American Transmission Systems Inc.