

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of AEP)
Ohio Transmission Company, Inc. for a)
Certificate of Environmental Compa-) Case No. 11-1314-EL-BTX
tibility and Public Need for the Trent-)
Vassell 138kV Transmission Line Project.)

OPINION, ORDER, AND CERTIFICATE

The Ohio Power Siting Board (Board), coming now to consider the above-entitled matter; having appointed an administrative law judge (ALJ) to conduct a public hearing; having reviewed the exhibits introduced into evidence, including the Joint Stipulation and Recommendation (Stipulation); and being otherwise fully advised, hereby waives the necessity for an ALJ report and issues its opinion, order, and certificate in this case, as required by Section 4906.10, Revised Code.

APPEARANCES:

Matthew J. Satterwhite and Erin C. Miller, American Electric Power Service Corporation, 1 Riverside Plaza, 29th Floor, Columbus, Ohio 43215, on behalf of AEP Ohio Transmission Company.

Mike DeWine, Ohio Attorney General, by Werner L. Margard and Devin D. Parram, Assistant Attorneys General, Public Utilities Section, 180 East Broad Street, Columbus, Ohio 43215, on behalf of the Board's Staff.

Kravitz, Brown & Dortch, LLC, by Michael D. Dortch and Richard R. Parsons, 65 E. State Street, Suite 200, Columbus, Ohio 43215, on behalf of Media Investments, LLC.

Manos, Martin, Pergram & Dietz, Co., LPA, by Stephen D. Martin, 50 North Sandusky Street, Delaware, Ohio, 43015, on behalf of Dantomka, Ltd.

OPINION:

I. Summary of the Proceedings:

All proceedings before the Board are conducted according to the provisions of Chapter 4906, Revised Code, and Chapter 4906, Ohio Administrative Code (O.A.C.).

On March 15, 2011, AEP Ohio Transmission Company, Inc. (AEP Transco) filed a letter stating its intent to open this case. A preapplication notification was filed on July

26, 2011. On December 7, 2011, AEP Transco filed its application for approval of the construction of a 138 kilovolt (kV) transmission line between the existing Trent substation and the approved, but yet to be constructed, Vassell substation in Delaware County, Ohio (AEP Transco Ex. 1).

On January 27, 2012, AEP Transco filed a request for a waiver of Section 4906.06(A)(6), Revised Code, which requires that applicable project applications be filed not less than one year prior to the planned commencement of construction. Thereafter, the ALJ granted the request for a waiver.

By letter dated February 3, 2012, the Board notified AEP Transco that its application for the transmission line project had been certified as complete, pursuant to Rule 4906-5-05, O.A.C.

On April 17, 2012, AEP Transco filed its proof of service of the application to the appropriate government officials and public agencies, pursuant to Rule 4906-5-06, O.A.C. (AEP Transco Ex. 2).

By entry issued February 24, 2012, the ALJ scheduled a local public hearing for May 7, 2012, at 6:00 p.m., at the Big Walnut High School, in Sunbury, Ohio, and an evidentiary hearing for May 16, 2012, at 10:00 a.m., at the offices of the Public Utilities Commission of Ohio (Commission), in Columbus, Ohio. Further, the February 24, 2012, entry directed AEP Transco to publish notice of the application and hearings, as required by Rule 4906-5-08, O.A.C. On March 29, 2012, as supplemented May 9, 2012, AEP Transco filed its proof of publication in local newspapers, as required by Rules 4906-5-08(C)(1) and 4906-5-09(A), O.A.C. (AEP Transco Ex. 2).

On March 5, 2012, and March 14, 2012, motions to intervene were filed by Media Investments, LLC (MI) and Dantomka, Ltd. (Dantomka), respectively. By entry issued April 17, 2012, the ALJ granted the petitions to intervene filed by MI and Dantomka.

On April 20, 2012, Staff filed its report of investigation of the application (staff report) (Staff Ex. 1). The local public hearing was held, as scheduled, on May 7, 2012. At the local public hearing, two individuals offered testimony regarding the transmission line project.

On May 11, 2012, AEP Transco, Staff, MI, and Dantomka filed a Stipulation resolving all issues in this case (Joint Ex. 1). The evidentiary hearing commenced as scheduled on May 16, 2012, during which AEP Transco's witness, Scott Joseph, testified in support of the Stipulation.

II. Proposed Facility and Siting:

According to the application, the purpose of the Trent-Vassell 138 kV transmission line project is to improve and maintain the quality of electric service and reliability in the central Ohio area, and the transmission line project is a critical component of an electric transmission infrastructure improvement that includes the not-yet-constructed Vassell substation that was approved in *In the Matter of the Application of AEP Ohio Transmission Company, Inc. for a Certificate of Environmental Compatibility and Public Need for the 765/345/138 kV Vassell Substation Project*, Case No. 11-1313-EL-BSB (March 23, 2012) (11-1313). In conjunction with the Vassell substation approved in 11-1313, the Trent-Vassell 138 kV transmission line project bolsters AEP Transco's 138 kV system in central Ohio to prevent overloads of critical facilities and provide sufficient capacity for future growth. The existing Trent substation and the approved Vassell substation are approximately two miles apart, and the new 138 kV transmission line will tie into the Trent-Delaware 138 kV transmission line adjacent to the Trent substation and extend south and southwest to the 138 kV yard of the Vassell substation. The new line will be constructed as a double circuit, which will initially be six-wired. (AEP Transco Ex. 1 at 01-1.)

AEP Transco conducted a route selection process to identify and evaluate potential routes for the transmission line. According to AEP Transco, the objective of the route selection study was to identify viable candidates based on the routing criteria, while avoiding or limiting impacts to sensitive land uses, ecological, and cultural features in the project vicinity. Potential routes were evaluated, compared, and ranked to aid the selection process of a preferred and alternate route. (AEP Transco Ex. 1 at 01-1-2.)

The study area was between the two end points of the Trent and Vassell substations. Corridor segments were combined into potential routes and compared based on various qualitative and quantitative factors. Of the 13 routes evaluated, AEP Transco selected two routes to serve as the preferred route and alternate route. (AEP Transco Ex. 1 at 01-2.)

As initially proposed, the preferred route is 2.7 miles long. It would exit the 138 kV yard of the Vassell substation and head generally north/northeast for 1.9 miles through agricultural fields, crossing State Route 37, Hartford Road, and State Route 3. Between State Route 3 and Old 3C Highway, the preferred route follows an existing distribution circuit that is an overbuild candidate for 0.5 miles. The potential overbuild portion of the preferred route includes a small wooded area. The preferred route crosses an agricultural field for the final 0.3 miles to the Trent substation and would tie into the Trent-Delaware 138 kV line adjacent to the Trent substation. (AEP Transco Ex. 1 at 1-2.)

The alternate route is 3.1 miles long and generally parallels the preferred route approximately 0.1 to 0.6 miles to the east across similar agricultural fields. It crosses the same roads, but the alternate route does not follow the distribution line between State Route 3 and Old 3C Highway. The alternate route overlaps the preferred route for short distances in the vicinity of the Vassell substation and Trent substation. (AEP Transco Ex. 1 at 1-2.)

III. Certification Criteria:

Pursuant to Section 4906.10(A), Revised Code, the Board shall not grant a certificate for the construction, operation, and maintenance of a major utility facility, either as proposed or as modified by the Board, unless it finds and determines all of the following:

- (1) The basis of the need for the facility if the facility is an electric transmission line or natural gas transmission line.
- (2) The nature of the probable environmental impact.
- (3) The facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations.
- (4) In case of an electric transmission line or generating facility, such facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems; and such facility will serve the interests of electric system economy and reliability.
- (5) The facility will comply with Chapters 3704, 3734, and 6111, Revised Code, and all rules and standards adopted under those chapters and under Sections 1501.33, 1501.34, and 4561.32, Revised Code.
- (6) The facility will serve the public interest, convenience, and necessity.
- (7) The impact of the facility on the viability as agricultural land of any land in an existing agricultural district established under Chapter 929, Revised Code, that is

located within the site and alternative site of the proposed major facility.

- (8) The facility incorporates maximum feasible water conservation practices as determined by the Board, considering available technology and the nature and economics of various alternatives.

IV. Local Public Hearing:

At the local public hearing, two individuals testified in opposition to the proposed transmission line project. Witnesses explained that they did not want to see power lines from their homes. Witnesses further expressed concern that the presence of the proposed transmission line would have a negative effect on property values, and make future sale of their property difficult. In addition, witnesses voiced concern over potential health risks from the facility.

V. Summary of the Evidence:

A. Basis of Need (Section 4906.10(A)(1), Revised Code)

AEP Transco explains that the purpose of the proposed transmission line project is to improve and maintain the quality of electric service and reliability to central Ohio, and is a component of a larger project. AEP Transco explains that, by the summer of 2014, the central Ohio transmission system is no longer projected to be able to withstand credible double contingency outages with expected transmission transfers. Transmission transfers are electric power that flows through the transmission system but is not consumed by local users. Further, AEP Transco explains that, with the projected load growth associated with development in central Ohio, low voltage and thermal overloads as a result of credible double contingencies could result in widespread cascading transmission outages in central Ohio, and could extend to other portions of Ohio. AEP Transco proposes to improve reliability by constructing new transmission facilities in central Ohio, including the facility that is the subject of this application. (AEP Transco Ex. 1 at 02-1.)

AEP Transco also explains that central Ohio does not have power plants to support the system voltage, and with the recent retirements planned for 2014 at various plants in Ohio, the system will lose its primary dynamic voltage support. Without this support, the system must rely on less effective dynamic support, which includes upgrading the transmission system in central Ohio. (AEP Transco. Ex. 1 at 02-2.)

According to the staff report, AEP Transco has demonstrated need due to the retirements of certain generation, projected load growth, and low voltage and thermal

problems with certain double contingencies. The contingencies could cause cascading transmission outages in central Ohio and possibly other parts of Ohio. For these reasons, Staff recommends that the Board find the basis of need for the transmission line project has been demonstrated as required by Section 4906.10(A)(1), Revised Code, provided the certificate include the conditions specified in the staff report. (Staff Ex. 1 at 10.)

B. Nature of Probable Environmental Impact and Minimum Adverse Environmental Impact (Sections 4906.10(A)(2) and (3), Revised Code)

Staff reviewed the environmental information contained in the record and determined the nature of the probable impact to the environment. The following is a summary of Staff's findings.

- (1) The project is located within a predominately rural area, located approximately a half mile from the village of Sunbury that contains large agricultural tracts, woodlots, and scattered residences.
- (2) There are 86 residences within 1,000 feet of the preferred route, 75 of which are greater than 400 feet away on the western side of Big Walnut Creek. There are no residences within 100 feet of the preferred route. There are 26 residences within 1,000 feet of the alternate route, none of which are located within 100 feet. The minimum residential distances from the preferred route and alternate route are 317 feet and 246 feet, respectively. No residential buildings would be removed during the construction of the project along either route, and the majority of the residential impacts would be associated with facility construction and would be temporary. Mitigation of vegetative clearing and operational activities would be negotiated between AEP Transco and individual property owners.
- (3) No commercial structures are within 1,000 feet of the preferred route. There is one commercial structure approximately 900 feet from the alternate route. No commercial facilities would be removed for this project along either the preferred or alternate route, and the majority of commercial impacts would be temporary and associated with construction of the facility. The Big Walnut Conservation Club is located approximately 1,000 feet to the west of the preferred route, but the proposed transmission line will not be visible from the club. The proposed facility will have no impacts on institutional or recreation land use.

- (4) No previously recorded archeological sites, National Register of Historic Places (NRHP) structures or districts, or Ohio Historical Inventory (OHI) were identified within 1,000 feet of the preferred route. One previously reported archeological site is located within 1,000 feet of the alternate route, but it will not be impacted by construction, operation, or maintenance of the proposed transmission line. AEP Transco will conduct a phase one cultural resources survey along the approved route and will coordinate with the Ohio Historic Preservation Office (OHPO) and Staff if any site of cultural significance is found.
- (5) Permanent visual impacts associated with the project will result from the introduction of a new transmission line to the landscape and the removal of trees from the line-right-of-way. The rural character of the project area and the size of the project limit the extent to which aesthetic impacts can be avoided. The alternate route would be visible from several residences; however, earthen berms approved to be installed as part of the Vassell substation, in 11-1313, would obscure views of some portions of the transmission line.
- (6) AEP Transco would construct, own, operate, and maintain the proposed 138 kV transmission line, which would have intangible and capital costs of approximately \$3.884 million and \$3.840 million for the preferred and alternate routes, respectively. Approximately \$183,022 and \$235,853 in property tax revenue are associated with the preferred and alternate routes, respectively.
- (7) The preferred route would cross two stream channels, with a total of 218 linear feet within the proposed construction right-of-way. The alternate route would cross three stream channels, with a total of 364 linear feet within the proposed construction right-of-way. The stream crossings were assessed by a qualified biologist, with the highest scoring stream segment being the crossing at Rattlesnake Creek for the preferred route.
- (8) The preferred route crosses two wetlands totaling 0.21 acres of wetland located within the proposed construction right-of-way. The centerline of the alternate route crosses one wetland with 0.30 acres within the proposed construction right-of-way. Trees that pose a risk to the operation of the facility would need to be cleared from the wetlands. AEP Transco would use best management practices (BMPs) to minimize indirect impacts on all wetlands.

- (9) No lakes, ponds, or reservoirs would be impacted during construction or operation of either route.
- (10) Protected, threatened, or endangered species within the project site include the following:
 - (a) This project is within the known range of the state-endangered golden-winged warbler. Suitable habitat was observed within the preferred and alternate routes but the species was not found during field surveys. The species prefers to nest near the ground; therefore, in order to avoid negative impacts to the species, construction in the preferred habitat should be limited during its nesting period of May 15 to July 15.
 - (b) The state-threatened bald eagle also has a known-range within the project area and nests have been recorded near the project, but no bald eagles were found during field surveys. The project is in the known range of the state-threatened osprey. A pair of osprey was observed constructing a nest within the project area along the alternate route by Staff during a site visit. Coordination with the Ohio Department of Natural Resources, Division of Wildlife (ODNR-DOW) would be required and, because these species' activity location frequently changes, AEP Transco should get updates on these species' activity prior to construction.
 - (c) The state-endangered eastern massasauga has a known range within the project area, but suitable habitat is not available within the preferred or alternate routes, was not found in the biodiversity database within five miles of the routes, and was not found during field surveys.
 - (d) This project lies within the known range of the state and federally-endangered Indiana bat. Suitable habitat is available within the preferred and alternate routes. Any impacts on the Indiana bat, a tree-roosting species during the non-winter months, could be minimized by limiting tree removal to seasonal cutting dates from October 1 through March 31.

- (e) Both the state-endangered black bear and the state-endangered bobcat have a known range within the project area, but were not found in the biodiversity database within five miles of the routes. Neither were observed during field surveys.
 - (f) This project lies within the known range of fish species of concern, the state-endangered blacknose shiner. Surveys were not performed because there will be no in-stream work associated with this project.
 - (g) This project lies within the range of several mussel species of concern, including the state and federally-endangered clubshell, and state-endangered and federally-proposed endangered rayed bean and snuffbox. No suitable habitat exists for these species in the project area.
- (11) The preferred and alternate routes cross through several vegetative communities, including: oak-mixed mesophytic woodland, bottomland hardwoods, scrub-shrub, old field, pasture, and cropland. Potential impacts on each vegetative community would be limited by clearing within the proposed transmission line right-of-way, where required, and from the placement of the foundation for each steel pole structure.
- (12) Additional tree-clearing may be necessary to remove hazard trees, which will be most problematic where a section of the preferred route traverses along, and particularly through, the riparian corridor of Big Walnut Creek, just north of its confluence with Rattlesnake Creek. As proposed, the preferred route would require removal of several of the mature trees along the top one-third of this embankment, which would result in detrimental environmental impacts to Big Walnut Creek.
- (13) The preferred route crosses a section of Rattlesnake Creek with a steep embankment on the north bank and a nearly level forest on the south bank. The geological configuration of the embankment would lead to irreversible slip during construction activities, which would be extremely expensive to repair and would cause detrimental impacts to both Big Walnut Creek and Rattlesnake Creek. Extensive clearing of the mature woods to the south side of Rattlesnake Creek would be required to install the preferred route,

which could significantly impact the water quality of the stream in this area.

- (14) The preferred and alternate routes cross State Route 3/United States (U.S.) Route 36 and State Route 37. No interstate highways or railroads are located within 1,000 feet of the preferred or alternate routes.
- (15) Noise impacts from the proposed transmission line project would mainly result from construction and post-construction maintenance. The highest sound level for construction equipment ranges between 77 to 85 a-weight decibels at a distance of 50 feet. Noise impacts will be mitigated by the installation of mufflers and construction will be limited to daylight hours on weekdays.
- (16) No radio or television interference should result from the normal operation of the proposed transmission line. Defective transmission hardware can cause corona/gas discharges, which could cause localized television and radio signal degradation, but such problems are cured through component replacement.

(Staff Ex. 1 at 11-18.)

Staff reports that AEP Transco conducted a systematic route selection study to identify preferred and alternate transmission line routes within the area between the Trent substation and the Vassell substation. AEP Transco identified constraint categories such as ecological, cultural, land use, and engineering and evaluated data on these criteria, as well as qualitative factors including accessibility, schedule, and likely right-of-way availability, with the intent to utilize or closely parallel other established right-of-ways. After choosing a preferred and alternate route, AEP Transco adjusted the preferred route after discussion with a property owner, shifting approximately 500 feet west toward the Big Walnut Creek. Staff found that, as a result of this shift, the route traverses a steeper and taller embankment along Rattlesnake Creek, the route is in closer proximity to the confluence of Big Walnut Creek, and the route could require the removal of trees from the riparian corridor of the Big Walnut Creek, leading to further ecological impacts than were presented in the original alignment. (Staff Ex. 1 at 19.)

Staff recommends that the alternate route be found to represent the minimum adverse environmental impact, due to its avoidance of the steep embankment at Rattlesnake Creek and the riparian corridor of Big Walnut Creek. Staff concludes that the environmental effects of the preferred route on Rattlesnake Creek and Big Walnut Creek cannot be effectively mitigated. Moreover, construction of the preferred route will involve greater removal of mature riparian forest than does the alternate route. (Staff Ex. 1 at 19-20.)

Therefore, Staff recommends the Board find that the record establishes the nature of the probable environmental impact from construction, operation, and maintenance of the transmission line project as required by Section 4906.10(A)(2), Revised Code, and that the proposed facility represents the minimum adverse environmental impact and complies with the requirements of Section 4906.10(A)(3), Revised Code, provided the certificate include the conditions specified in the staff report (Staff Ex. 1 at 18, 20).

C. Electric Power Grid (Section 4906.10(A)(4), Revised Code)

The purpose of the proposed transmission line is part of an overall reliability improvement in central Ohio, which includes the Vassell substation approved in 11-1313. Central Ohio is in jeopardy of experiencing voltage and thermal problems and possible widespread cascading transmission outages, based on proposed generator retirements and projected system load growth. Additionally, without these upgrades, the transmission system will be unable to withstand certain double contingencies during increased power flows. (Staff Ex. 1 at 21.)

A summer 2014 peak load flow case was used to analyze system load flows, and shows that, without the Trent-Vassell transmission line project and other area improvements, the central Ohio transmission system would experience voltage support problems and possible cascading transmission outages. The analysis took into account generation retirements, system load growth, and certain double contingencies during power transfers. (Staff Ex. 1 at 21-22.)

Therefore, Staff recommends that the Board find that the proposed facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems, and that the facility would serve the interest of the electric system, economy, and reliability, and recommends that the Board find that the facility complies with the requirements of Section 4906.10(A)(4), Revised Code, provided the certificate include the conditions specified in the staff report (Staff Ex. 1 at 23).

D. Air and Water Permits and Solid Waste Disposal (Section 4906.10(A)(5), Revised Code)

Staff states that air quality permits are not required for construction of the transmission line project. However, Staff points out that fugitive dust rules adopted pursuant to the requirements of Chapter 3704, Revised Code, may be applicable to the project. AEP Transco will control fugitive dust through dust suppression techniques such as irrigation, mulching, or application of tackifier resins, which will be sufficient to comply with the fugitive dust rules. (Staff Ex. 1 at 24.)

Neither construction nor operation of the proposed transmission line would require the use of significant amounts of water, so requirements under Sections 1503.33 and 1501.34, Revised Code, are not applicable to this project. Staff indicates that AEP Transco will apply for the Ohio National Pollutant Discharge Elimination System (NPDES) construction General Permit, and will seek coverage, if needed, under the U.S. Army Corps of Engineers Nationwide Permit Utility Line Activities for wetland and stream impacts associated with the proposed transmission line. (Staff Ex. 1 at 24.)

AEP Transco will also submit a notice of intent for coverage under the Ohio Environmental Protection Agency's (EPA) NPDES General Permit for Storm Water Discharges Associated with Construction Activity and a related Storm Water Pollution Prevention Plan (SWPPP). This SWPPP will include a detailed construction access plan, to be followed along with BMPs for construction activities, to minimize any erosion-related impacts to streams and wetlands. Wetlands, streams, and other environmentally sensitive areas shall be clearly identified before commencement of clearing specified in the construction plans and specifications. (Staff Ex. 1 at 24.)

Solid waste generated from construction activities would include items such as conductor scrap, construction material packaging including cartons, insulator crates, conductor reels, and wrapping, and used storm water erosion control materials. All construction-related debris would be disposed of in Ohio EPA approved landfills, or other appropriately licensed and operated facilities. Contaminated soil discovered or generated during construction would be disposed of in accordance with applicable regulations. AEP Transco will have a spill prevention plan in place. (Staff Ex. 1 at 24.)

There are seven public use airports within 20 miles of the proposed transmission line with the closest being 6.5 miles from the proposed project. However, because of the distance from the project, and the absence of new transmission line structures greater than 200 feet above ground level, the construction and operation of the proposed facility is not expected to have an impact on public use airport facilities. (Staff Ex. 1 at 25.)

Staff finds that the proposed transmission line project complies with the requirements specified in Section 4906.10(A)(5), Revised Code, provided that any certificate issued by the Board for the transmission line project includes the conditions specified in the staff report (Staff Ex. 1 at 25).

E. Public Interest, Convenience, and Necessity (Section 4906.10(A)(6), Revised Code)

The proposed transmission line project is a critical part of a larger transmission system upgrade in central Ohio whose purpose is to maintain, improve, and reinforce electric service quality and reliability for multiple communities in central Ohio. AEP

Transco will comply with Occupational Safety and Health Administration (OSHA) safety standards, Commission safety standards, and equipment specifications. The proposed facility has been designed to meet or exceed the requirements of the National Electric Safety Code. (Staff Ex. 1 at 26.)

Transmission lines, when energized, generate electromagnetic fields (EMF). Concern exists regarding the impact of EMF exposure on human health. AEP Transco is required to compute the EMF associated with the new circuits, and did so based on the maximum loadings of the lines, which would lead to the highest EMF values that might exist along the transmission line. Magnetic fields were estimated at the right-of-way to be less than 29 milligauss and the electric field would be less than 0.1 kV/meter. The magnetic field output is comparable to that of common household appliances. Moreover, daily current load levels will normally operate below the maximum load conditions, thereby reducing nominal EMF values. Electric fields are easily shielded by physical structures such as the walls of a house, foliage, etc. (Staff Ex. 1 at 26.)

Staff recommends the Board find that the proposed facility will serve the public interest, convenience, and necessity, and complies with Section 4906.10(A)(6), Revised Code, subject to the conditions set forth in the staff report (Staff Ex. 1 at 26).

F. Agricultural Districts and Agricultural Lands (Section 4906.10(A)(7), Revised Code)

Classification as agricultural district land is achieved through an application and approval process that is administered through local county auditor offices. Five agricultural district parcels are within 1,000 feet of the preferred route and four are within 1,000 feet of the alternate route. Four of these parcels are within 100 feet of the preferred route corridor and three are within 100 feet of the alternate route corridor. No agricultural district land is crossed by either route. Approximately 85 percent of both the preferred and alternate routes cross agricultural land, and construction of the proposed transmission line would impact agricultural land primarily within its right-of-way. AEP Transco proposes to compensate individual property owners for damage to agricultural land as specified by an easement for the right-of-way.

Staff recommends that the impact of the proposed facility on the viability of existing agricultural land in an agricultural district has been determined, and, therefore, complies with the requirements specified in Section 4906.10(A)(7), Revised Code, subject to the conditions set forth in the staff report. (Staff Ex. 1 at 27.)

G. Water Conservation Practice (Section 4906.10(A)(8), Revised Code)

Staff states that the proposed transmission line project will not use significant amounts of water for operation and that, consequently, water conservation practices as

specified in Section 4906.10(A)(8), Revised Code, are not applicable to the project. Staff recommends the Board find that the project would incorporate maximum feasible water conservation practices and, therefore, complies with the requirements specified in Section 4906.10(A)(8), Revised Code, subject to the conditions set forth in the staff report. (Staff Ex. 1 at 28.)

VI. Stipulation's Recommended Conditions:

In the Stipulation, the parties stipulate and recommend to the Board that adequate evidence has been provided to demonstrate that the transmission line project meets the statutory criteria of Section 4906.10(A)(1) through (8), Revised Code (Joint Ex. 1 at 4-6). As part of the Stipulation, the parties recommend that the Board issue a certificate of environmental compatibility and public need for the transmission line project, along the alternate route, as described in the application and supplement thereto, subject to the 37 conditions set forth in the Stipulation (Joint Ex. 1 at 8-16). The following is a summary of the conditions agreed to by the stipulating parties and is not intended to replace or supersede the Stipulation. The stipulating parties agree to the following:

- (1) The facility shall be installed at AEP Transco's alternate route as presented in the application, and as modified and/or clarified by AEP Transco's supplemental filings and further clarified by recommendations in the staff report.
- (2) AEP Transco shall utilize the equipment and construction practices as described in the application and as modified and/or clarified in supplemental filings, replies to data requests, and recommendations in the staff report.
- (3) AEP Transco shall implement the mitigation measures as described in the application and as modified and/or clarified in supplemental filings, replies to data requests, and recommendations in the staff report.
- (4) AEP Transco shall conduct a preconstruction conference prior to the start of any construction activities. Staff, AEP Transco, and representatives of the prime contractor and all subcontractors for the project shall attend the preconstruction conference. The conference shall include a presentation of the measures to be taken by AEP Transco and contractors to ensure compliance with all conditions of the certificate, and discussion of the procedures for on-site investigations by Staff during construction. Prior to the conference, AEP Transco shall provide a proposed conference

agenda for Staff review. AEP Transco may stage separate preconstruction meetings for grading versus clearing work.

- (5) At least 30 days prior to the preconstruction conference, AEP Transco shall have in place a complaint resolution procedure to address potential public grievances resulting from project construction and operation. The resolution procedure must provide that AEP Transco will work to mitigate or resolve any issues with those who submit either a formal or informal complaint and that AEP Transco will immediately forward all complaints to Staff. AEP Transco shall provide the complaint resolution procedure to Staff, for review and confirmation that it complies with this condition, prior to the preconstruction conference.
- (6) At least 30 days before the preconstruction conference, AEP Transco shall submit to Staff, for review and acceptance, one set of detailed engineering drawings of the final project design, including the transmission line, electric tower and pole locations, temporary and permanent access roads, any crane routes, construction staging areas, and any other associated facilities and access points, so that Staff can determine that the final project design is in compliance with the terms of the certificate. The final project layout shall be provided in hard copy and as geographically-referenced electronic data. The final design shall include all conditions of the certificate and references at the locations where AEP Transco and/or its contractors must adhere to a specific condition in order to comply with the certificate.
- (7) If any changes are made to the project layout after the submission of final engineering drawings, all changes shall be provided to Staff in hard copy and as geographically-referenced electronic data. All changes outside the environmental survey areas and any changes within environmentally-sensitive areas will be subject to Staff review and acceptance, to ensure compliance with all conditions of the certificate, prior to construction in those areas.
- (8) Within 60 days after the commencement of commercial operation, AEP Transco shall submit to Staff a copy of the as-built specifications for the entire facility. If AEP Transco demonstrates that good cause prevents it from submitting a copy of the as-built specifications for the entire facility within 60 days after commencement of commercial operation, it may request an extension of time for the filing of such as-built specifications. AEP

Transco shall use reasonable efforts to provide as-built drawings in both hard copy and as geographically-referenced electronic data.

- (9) The certificate shall become invalid if AEP Transco has not commenced a continuous course of construction of the proposed facility within five years of the date of journalization of the certificate.
- (10) As the information becomes known, AEP Transco shall provide to Staff the date on which construction will begin, the date on which construction was completed, and the date on which the facility begins commercial operation.
- (11) Prior to commencement of construction, AEP Transco shall develop a cultural resource avoidance plan in consultation with Staff and the OHPO, detailing procedures for flagging and avoiding all potentially NRHP-eligible archeological sites in the project area. The avoidance plan shall also contain measures to be taken should previously-unidentified archeological deposits or artifacts be discovered during construction of the project.
- (12) AEP Transco shall have a construction and maintenance access plan based on final plans for the access roads, transmission line, and types of equipment to be used. Prior to commencement of construction, AEP Transco shall submit the plan to Staff, for review and confirmation that it complies with this condition. The plan shall consider the location of streams, wetlands, wooded areas, and sensitive plant species, as identified by ODNR-DOW, and explain how impacts to all sensitive resources will be avoided or minimized during construction, operation, and maintenance. The plan shall provide specific details on all wetlands, streams, and/or ditches to be crossed by the transmission line, including those where construction or maintenance vehicles and/or facility components, such as access roads, cannot avoid crossing the waterbody. In such cases, specific discussion of the proposed crossing methodology for each wetland and stream crossing, such as culverts, and post-construction site restoration, must be included. The plan shall include the measures to be used for restoring the area around all temporary access points, and a description of any long-term stabilization required along permanent access routes. For each phase of construction, AEP Transco shall delineate each phase prior to any construction and AEP Transco shall participate in a preconstruction conference with Staff prior to each phase of construction.

- (13) AEP Transco shall have a vegetation management plan. Prior to commencement of construction, AEP Transco shall submit this plan to Staff, for review and confirmation that it complies with this condition. The plan must identify all areas of proposed vegetation clearing for the project, specifying the extent of the clearing, and describing how such clearing work will be done so as to minimize removal of woody vegetation. The plan must also describe how trees and shrubs around structures, along access routes, in the transmission line corridor, at construction staging areas, during maintenance operations, and in proximity to any other project facilities will be protected from damage. Priority should be given to protecting mature trees throughout the project area, and all woody vegetation in wetlands and riparian areas, both during construction and during subsequent operation and maintenance of all facilities; low-growing trees and shrubs in particular should be protected wherever possible within the proposed right-of-way. The vegetation management plan should also explore various options for disposing of downed trees, brush, and other vegetation during initial clearing for the project, and recommend methods that minimize the movement of heavy equipment and other vehicles within the right-of-way that would otherwise be required for removing all trees and other woody debris off site.
- (14) AEP Transco shall have a streamside vegetation restoration plan for the clearing of any riparian vegetation adjacent to Rattlesnake Creek and tributary watercourse segments for the placement of the electric transmission line that minimizes impacts associated with such activity. At least 30 days prior to the commencement of clearing activities, AEP Transco shall submit such plan to Staff for review and confirmation that it complies with this condition.
- (15) AEP Transco shall develop a plan to avoid and/or mitigate impacts to the Perfect Creek riparian corridor and associated floodplain wetlands. At least 30 days prior to the commencement of clearing activities, AEP Transco shall submit such plan to Staff for review and confirmation that it complies with this condition.
- (16) For both construction and future right-of-way maintenance, AEP Transco shall limit, to the greatest extent possible, the use of herbicides in proximity to surface waters, including wetlands along the right-of-way. Individual treatment of tall-growing woody plant species is preferred, while general, widespread use of herbicides during initial clearing or future right-of-way maintenance should only be used where no other options exist, and with prior approval

from the Ohio EPA. Prior to commencement of construction, AEP Transco shall submit a plan to Staff for review and confirmation that it complies with this condition, describing the planned herbicide use for all areas in or near any surface waters during initial project construction and/or future right-of-way maintenance.

- (17) AEP Transco shall have a Staff-approved environmental specialist on site during construction activities that may affect sensitive areas, as mutually agreed upon between AEP Transco and Staff, and as shown on AEP Transco's final approved construction plan. Sensitive areas include, but are not limited to, areas of vegetation clearing, designated wetlands and streams, and locations of threatened or endangered species or their identified habitat. The environmental specialist shall be familiar with water quality protection issues and potential threatened or endangered species of plants and animals that may be encountered during project construction.
- (18) AEP Transco shall contact Staff, ODNR, and the U.S. Fish and Wildlife Service (USFWS) within 24 hours if state or federal threatened or endangered species are encountered during construction activities. Construction activities that could adversely impact the identified plants or animals shall be halted until an appropriate course of action has been agreed upon by AEP Transco, Staff, and ODNR in coordination with the USFWS. Nothing in this condition shall preclude agencies having jurisdiction over the facility with respect to threatened or endangered species from exercising their legal authority over the facility consistent with law.
- (19) If the golden-winged warbler preferred habitat types are present and will be impacted, then construction in this habitat is prohibited during the nesting period of May 15 to July 15.
- (20) AEP Transco shall adhere to seasonal cutting dates of October 1 through March 31 for removal of suitable Indiana bat habitat trees, if avoidance measures cannot be achieved. If suitable Indiana bat habitat trees must be cut during the summer season of April 1 through September 30, a mist-netting survey must be conducted in May or June prior to cutting. Net surveys shall incorporate either two net sites per square kilometer of project area, with each net site containing a minimum of two nets used for two consecutive nights, or one net site per kilometer of stream within the project limits,

with each net site containing a minimum of two nets used for two consecutive nights. Staff and ODNR shall be contacted to discuss methodologies prior to commencement of any mist-netting surveys proposed by AEP Transco. All mist-netting results shall be submitted to Staff and ODNR. If the results of the survey indicate the presence of Indiana bats, then further coordination with Staff and ODNR shall be required prior to the cutting of trees in order to avoid impacts to the Indiana bat.

- (21) AEP Transco shall not work in the types of streams listed below during fish spawning restricted periods (April 15 to June 30), unless a waiver is sought from and issued by ODNR and approved by Staff releasing AEP Transco from a portion of, or the entire restriction period.
 - (a) Class 3 primary headwater streams (watershed < one mi²).
 - (b) Exceptional warmwater habitat.
 - (c) Coldwater habitat.
 - (d) Warmwater habitat.
 - (e) Streams supporting threatened or endangered species.
- (22) Prior to commencement of construction activities that require transportation permits, AEP Transco shall obtain all such permits. AEP Transco shall coordinate with the appropriate authority regarding any temporary or permanent road closures, lane closures, road access restrictions, and traffic control necessary for construction and operation of the proposed facility. Coordination shall include, but not be limited to, the county engineer, Ohio Department of Transportation, local law enforcement, and health and safety officials. This coordination shall be detailed as part of a final traffic plan submitted to Staff prior to the preconstruction conference for review and confirmation that it complies with this condition.
- (23) General construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m., or until dusk when sunset occurs after 7:00 p.m. Impact pile driving and hoe ram operations, if required, shall be limited to the hours between 10:00 a.m. to 5:00 p.m., Monday through Friday. Construction activities that do not involve noise increases above ambient levels at sensitive receptors are permitted

outside of daylight hours when necessary. AEP Transco shall notify property owners or affected tenants within the meaning of Rule 4906-5-08(C)(3), O.A.C., of upcoming construction activities including potential for nighttime construction activities.

- (24) AEP Transco is prohibited, under all circumstances, from blasting during the construction of the proposed facility.
- (25) AEP Transco shall monitor and review the baseline television reception and signal strength to ensure there are no adverse impacts. At least 30 days prior to the preconstruction conference, AEP Transco shall complete a baseline television reception and signal strength study and provide the results to Staff for review and confirmation that AEP Transco is complying with this condition.
- (26) AEP Transco shall monitor and review the telephone noise to ensure there is no adverse impact. At least 30 days prior to the preconstruction conference, AEP Transco shall conduct a telephone noise survey in coordination with the local service provider(s) and provide the results to Staff for review and confirmation that AEP Transco is complying with this condition.
- (27) AEP Transco shall monitor the AM/FM radio frequencies to ensure there are no adverse impacts. At least 30 days prior to the preconstruction conference, AEP Transco shall conduct an AM/FM radio survey and provide the results to Staff for review and confirmation that AEP Transco is complying with this condition.
- (28) AEP Transco shall meet all Federal Communications Commission and other federal agency requirements to construct an object that may affect communications and, to the satisfaction of Staff, mitigate any effects or degradation caused by transmission line operation or placement. For any residence that is shown to experience a degradation of television or radio reception or interference of wired telephone service due to facility operation, AEP Transco shall provide, at its own expense, cable or direct broadcast satellite television service or other mitigation acceptable to the affected resident(s), AEP Transco, and Staff.
- (29) AEP Transco shall monitor the microwave paths to ensure there are no adverse impacts. At least 30 days prior to the preconstruction conference, AEP Transco shall conduct a microwave path study that identifies all existing microwave paths that intersect the selected route, and a worst-case Fresnel zone analysis for each path. A copy of this study shall be provided to the path licensee(s), for

review, and to Staff for review and confirmation that AEP Transco is complying with this condition. The assessment shall conform to the following requirements:

- (a) An independent and registered surveyor, licensed to survey within the state of Ohio, shall determine the exact location and worst-case Fresnel zone dimensions of the above-referenced paths, and the center point and boundary of the selected route, using the same survey equipment.
 - (b) Provide the distance (feet) between the surveyed center point and boundary of the selected route and the surveyed worst-case Fresnel zone of each microwave path.
 - (c) Provide a map of the surveyed microwave paths, center points, and boundaries at a legible scale.
 - (d) Describe the specific, expected impacts of the project on all paths and systems considered in the assessment.
- (30) All existing licensed microwave paths and communication systems shall be subject to avoidance or mitigation. AEP Transco shall complete avoidance or mitigation measures prior to commencement of construction for impacts that can be predicted in sufficient detail to implement appropriate and reasonable avoidance and mitigation measures. After construction, AEP Transco shall mitigate all observed impacts of the project to microwave paths and systems within seven days or within a longer time period acceptable to Staff. Avoidance and mitigation for any known point-to-point microwave paths shall consist of measures acceptable to Staff, AEP Transco, and the affected path owner, operator, or licensee(s). If interference with an omni-directional or multi-point system is observed after construction, mitigation would be required only for the affected receptor(s).
- (31) Prior to the commencement of construction activities that require permits or authorizations by federal or state laws and regulations, AEP Transco shall obtain and comply with such permits or authorizations. AEP Transco shall provide copies of permits and authorizations, including all supporting documentation, to Staff within seven days of issuance or receipt by AEP Transco. AEP Transco shall provide a schedule of construction activities and

acquisition of corresponding permits for each activity at the preconstruction conference.

- (32) At least seven days before the preconstruction conference, AEP Transco shall submit to Staff, for review and acceptance, a copy of all NPDES permits including its approved SWPPP, approved Spill Prevention, Control, and Countermeasures procedures, and its erosion and sediment control plan. Any soil issues must be addressed through proper design and adherence to the Ohio EPA BMPs related to erosion and sedimentation control.
- (33) AEP Transco shall employ the following erosion and sedimentation control measures, construction methods, and BMPs when working near environmentally-sensitive areas and/or when in close proximity to any watercourses, in accordance with the Ohio NPDES permit(s) and SWPPP obtained for the project:
 - (a) During construction of the facility, seed all disturbed soil, except within actively cultivated agricultural fields, within seven days of final grading with a seed mixture acceptable to the appropriate County Cooperative Extension Service. Denuded areas, including spoils piles, shall be seeded and stabilized within seven days, if they will be undisturbed for more than 21 days. Re-seeding shall be done within seven days of emergence of seedlings as necessary until sufficient vegetation in all areas has been established.
 - (b) Inspect and repair all erosion control measures after each rainfall event of one-half of an inch or greater over a 24-hour period, and maintain controls until permanent vegetative cover has been established on disturbed areas.
 - (c) Delineate all watercourses, including wetlands, by fencing, flagging, or other prominent means.
 - (d) Avoid entry of construction equipment into watercourses, including wetlands, except at specific locations where construction has been approved.
 - (e) Prohibit storage, stockpiling, and/or disposal of equipment and materials in these sensitive areas.

- (f) Locate structures outside of identified watercourses, including wetlands, except at specific locations where construction has been approved.
 - (g) Divert all storm water runoff away from fill slopes and other exposed surfaces to the greatest extent possible, and direct instead to appropriate catchment structures, sediment ponds, etc., using diversion berms, temporary ditches, check dams, or similar measures.
- (34) AEP Transco shall comply with fugitive dust rules by the use of water spray or other appropriate dust suppressant measures whenever necessary.
- (35) AEP Transco shall comply with any drinking water source protection plan for any part of the facility that is located within drinking water source protection areas of the local villages and cities.
- (36) Thirty days prior to commencement of construction, AEP Transco must notify, in writing, any owner of an airport located within 20 miles of the project boundary, whether public or private, whose operations, operating thresholds/minimums, landing/approach procedures and/or vectors are expected to be altered by the siting, operation, maintenance, or decommissioning of the facility.
- (37) Within 30 days of construction completion, AEP Transco shall file the as-built transmission structure coordinates and heights above ground level with the Ohio Office of Aviation and Federal Aviation Administration (if required by said agency).

(Joint Ex. 1 at 8-16.)

VII. Conclusion:

According to the Stipulation and the testimony of AEP Transco witness Scott Joseph, the Stipulation is the product of serious bargaining among capable and knowledgeable parties, represented by experienced counsel, who have each participated in negotiations. During negotiations, versions of the Stipulation were traded among the parties and each provided an opportunity to provide feedback and join the Stipulation. Moreover, the Stipulation will benefit customers and the public interest by alleviating contingency outages. Further, the Stipulation does not violate any important regulatory principles or criteria. (Joint Ex. 1 at 2; AEP Ex. 3 at 3.)

In the Stipulation, the parties recommend that, based upon the record and the information and data contained therein, the Board issue a certificate of environmental compatibility and public need for the construction, operation, and maintenance of the transmission line project, on the alternate route, as described in the application and supplement thereto, and subject to all conditions enumerated in the Stipulation (Joint Ex. 1 at 18). Although not binding on the Board, stipulations are given careful scrutiny and consideration, particularly where no party objects to the stipulation.

As mentioned previously, witnesses appeared at the local hearing and raised various concerns. However, upon review of the evidence submitted at the evidentiary hearing, the Board finds that these issues were investigated during the course of this proceeding. Specifically, the Board finds that concerns were generally over the visual impacts of the project and potential health impacts from the project. However, the Board finds that these concerns have been addressed, as the parties have stipulated and recommended the conditions listed in the staff report. The Board is mindful of Staff's findings that EMF from the facilities will be no more than that of common household appliances. Further, the Board is aware of the numerous conditions contained in the Stipulation that are designed to minimize the impact of the proposed facility on neighboring property owners. The Board is satisfied that the findings in the staff report and conditions required by the Stipulation adequately address these concerns raised at the local public hearing.

Therefore, based upon the record in this proceeding, the Board finds that all of the criteria in Section 4906.10(A), Revised Code, are satisfied for the construction, operation, and maintenance of the transmission line project, along the alternate route, subject to the conditions set forth in the Stipulation.

The Ohio Supreme Court has recognized that the statutes governing these cases vest the Board with the authority to issue certificates upon such conditions as the Board considers appropriate; thus acknowledging that the construction of these projects necessitates a dynamic process that does not end with the issuance of a certificate. The Court concluded that the Board has the authority to allow Staff to monitor compliance with the conditions the Board has set. *In re Application of Buckeye Wind, L.L.C. for a Certificate to Construct Wind-Powered Electric Generation Facilities in Champaign County, Ohio*, 2012-Ohio-878, ¶16-17, 30 (*Buckeye*). Such monitoring includes the convening of preconstruction conferences and the submission of follow-up studies and plans by AEP Transco. As recognized in *Buckeye*, if an applicant proposes a change to any of the conditions approved in the certificate, the applicant is required to file an amendment. In accordance with Section 4906.07, Revised Code, the Board would be required to hold a hearing, in the same manner as on an application, where an amendment application involves any material increase in any environmental impact or substantial change in the location of all or a portion of the facility.

The Board finds that the Stipulation is the product of serious bargaining among knowledgeable parties, will promote the public interest, convenience and necessity, and does not violate any important regulatory principle or practice. Accordingly, based upon all of the above, the Board approves and adopts the Stipulation and hereby issues a certificate to AEP Transco for the construction, operation, and maintenance of the proposed transmission line project, on the alternate route, as described in the application and supplement thereto, subject to the 37 conditions set forth in the Stipulation and this order.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

- (1) The transmission line project is a major utility facility as defined in Section 4906.01(B)(2), Revised Code.
- (2) AEP Transco is a person under Section 4906.01(A), Revised Code.
- (3) On December 7, 2011, AEP Transco filed its application for a certificate for the transmission line project.
- (4) On February 3, 2012, the Board notified AEP Transco that the application was complete.
- (5) On April 17, 2012, AEP Transco filed its proof of service of the application to the appropriate government officials and public agencies pursuant to Rule 4906-5-06, O.A.C.
- (6) By entry issued February 24, 2012, the ALJ scheduled a local public hearing for May 7, 2012, at the Big Walnut High School, in Sunbury, Ohio, and an evidentiary hearing for May 16, 2012, at 10:00 a.m., at the offices of the Commission in Columbus, Ohio.
- (7) On March 29, 2012, as supplemented May 9, 2012, AEP Transco filed its proof of publication in local newspapers as required by Rules 4906-5-08(C)(1) and 4906-5-09(A), O.A.C.
- (8) Petitions to intervene were filed by MI and Dantomka on March 5, 2012, and March 14, 2012, respectively. By entry issued April 17, 2012, the ALJ granted the petitions to intervene.
- (9) On April 20, 2012, Staff filed its report of investigation of the application.
- (10) A local public hearing was held, as scheduled, on May 7, 2012. At the local public hearing, two individuals offered testimony on the transmission line project.

- (11) On May 11, 2012, the parties filed a Stipulation resolving all issues raised in this proceeding.
- (12) The evidentiary hearing commenced as scheduled on May 16, 2012.
- (13) The record establishes the need for the transmission line project as required by Section 4906.10(A)(1), Revised Code.
- (14) The record establishes the nature of the probable environmental impact from construction, operation, and maintenance of the transmission line project as required by Section 4906.10(A)(2), Revised Code.
- (15) The record establishes that the transmission line project represents the minimum adverse environmental impact, considering the available technology and nature and economics of the various alternatives, and other pertinent considerations as required by Section 4906.10(A)(3), Revised Code.
- (16) The record establishes that the transmission line project complies with the requirements of Section 4906.10(A)(4), Revised Code, provided the certificate include the conditions specified in the staff report.
- (17) The record establishes that the transmission line project, subject to the conditions set forth in this order, will comply with Chapters 3704, 3734, and 6111, Revised Code, and Sections 1501.33, 1501.34, and 4561.32, Revised Code, and all rules and regulations thereunder, to the extent applicable, as required by Section 4906.10(A)(5), Revised Code.
- (18) The record establishes that the transmission line project, subject to the conditions set forth in this order, will serve the public interest, convenience, and necessity, as required by Section 4906.10(A)(6), Revised Code.
- (19) The record establishes that the transmission line project, subject to the conditions set forth in this order, has been assessed as to viability of agricultural land in an existing agricultural district as required by Section 4906.10(A)(7), Revised Code.
- (20) Inasmuch as water conservation practices are not involved with this project, Section 4906.10(A)(8), Revised Code, does not apply in this circumstance.

- (21) The record evidence of this proceeding provides sufficient factual data to enable the Board to make an informed decision.
- (22) Based on the record, the Board shall issue a certificate of environmental compatibility and public need pursuant to Chapter 4906, Revised Code, for construction, operation, and maintenance of the transmission line project, along the alternate route, subject to the conditions set forth in the Stipulation and this order.

ORDER:

It is, therefore,


ORDERED, That the Stipulation filed by the parties is approved and adopted. It is, further,

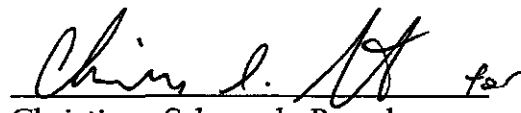
ORDERED, That a certificate be issued to AEP Transco for the construction, operation, and maintenance of the transmission line project as proposed along the alternate route, subject to the conditions set forth in the Stipulation and this order. It is, further,


ORDERED, That the certificate contain the 37 conditions set forth in the Stipulation and this order. It is, further,

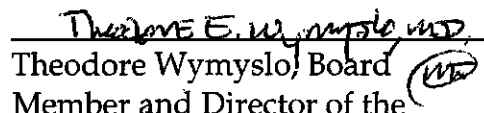
ORDERED, That a copy of this opinion, order, and certificate be served upon each party of record and any other interested person of record.

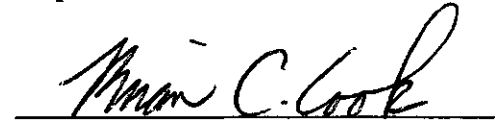
THE OHIO POWER SITING BOARD

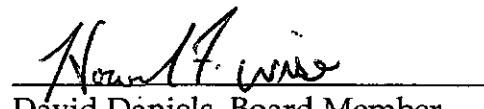

Todd A. Snitchler, Chairman
Public Utilities Commission of Ohio


Christiane Schmenk, Board
Member and Director of the Ohio
Department of Development


James Zehringer, Board Member
and Director of the Ohio
Department of Natural Resources


Theodore Wymyslo, Board
Member and Director of the
Ohio Department of Health

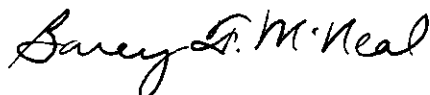

Scott Nally, Board Member
and Director of the Ohio
Environmental Protection Agency


David Daniels, Board Member
and Director of the Ohio
Department of Agriculture


Jeffrey J. Lechak, Board Member
and Public Member

SJP/KLS/dah

Entered in the Journal
JUL 30 2012



Barcy F. McNeal
Secretary