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LOCAL DIVISION
PUBLIC UTILITIES COMMISSION OF OHIO



STAFF REPORT OF INVESTIGATION

EXHIBIT
Staff # 1

In the Matter of the Application of Ohio Edison)
Company for the Smart Road Area Amendment)
to the Certificate of Environmental Compatibility)
and Public Need Issued for the Crissinger-Tangy)
138 kV Transmission Line, Located in Delaware)
County, Ohio.)

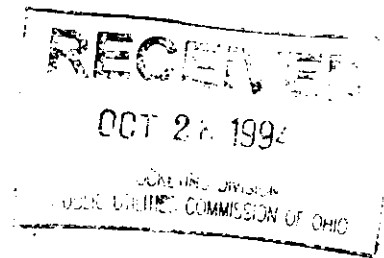
Case No. 94-1215-EL-BTX

THE OHIO POWER SITING BOARD

EQUAL OPPORTUNITY EMPLOYER



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138 kV Transmission Line, Located in Delaware)
County, Ohio.)

Staff's Report of Investigation
and Recommended Findings

Submitted to the
Ohio Power Siting Board

BEFORE
THE POWER SITING BOARD
OF
THE STATE OF OHIO

In the Matter of the Application of Ohio Edison)
Company for the Smart Road Area Amendment)
to the Certificate of Environmental Compatibility) Case No. 94-1215-EL-BTX
and Public Need Issued for the Crissinger-Tangy)
138 kV Transmission Line, Located in Delaware)
County, Ohio.)

Members of the Board:

Craig A. Glazer, Chairman, PUCO	Samuel T. Bateman, State Representative
Donald E. Jakeway, Director, ODD	Barbara C. Pringle, State Representative
Peter Somani, M.D., Director, ODH	Roy L. Ray, State Senator
Donald D. Glower, P.E., Public Member	Anthony Latell, Jr., State Senator
Fred L. Dailey, Director, ODA	
Donald Schregardus, Director, OEPA	
Frances S. Buchholzer, Director, ODNR	

To The Honorable Power Siting Board:

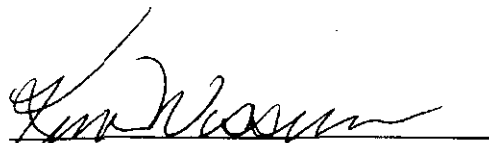
In accordance with provisions of Ohio Revised Code (ORC) Section 4906.07(C), and pursuant to Rule 4906-1-14(E) of the Ohio Administrative Code (OAC), the staff has completed its investigation in the above matter and submits its Findings and Recommendations in this Staff Report.

The Staff Report of Investigation and Recommended Findings has been prepared by the staff of the Public Utilities Commission of Ohio. The staff Findings and Recommendations are the result of staff coordination with the Ohio Environmental Protection Agency, the Ohio Department of Health, the Ohio Department of Development, the Ohio Department of Natural Resources and the Ohio Department of Agriculture. In addition, the staff coordinated with the Ohio Department of Transportation, the Ohio Historical Society, and the U.S. Fish and Wildlife Service.

In accordance with ORC Sections 4906.07 and 4906.12, copies of this Staff Report have been filed with the Docketing Division of the Public Utilities Commission on behalf of the Ohio Power Siting Board and served upon the applicant or its authorized representative, the parties of record and the main public libraries of the political subdivisions along the route.

The Staff Report presents the result of the staff's investigation conducted in accordance with ORC Chapter 4906 and the Rules of the Ohio Power Siting Board, along with the staff's Findings and Recommendations for the consideration of the Board. This Staff Report does not purport to reflect the views of the Board nor should any party to the instant proceeding consider the Board in any manner constrained by the Findings and Recommendations set forth.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kim Wissman", written over a horizontal line.

Kim Wissman
Siting Officer

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I. INTRODUCTION

Ohio Power Siting Board

The Ohio Power Siting Board (Board) was created on November 15, 1981 by amended Substitute House Bill 694 as a separate entity within the Public Utilities Commission of Ohio. Prior to November 15, 1981, the Board existed as the Ohio Power Siting Commission, an independent agency created by the 109th General Assembly on July 23, 1972. The authority of the Board is specified in Ohio Revised Code (ORC) Chapter 4906 with an effective date of jurisdiction, without emergency provision, of October 24, 1974.

The Board is required to issue certificates of environmental compatibility and public need for the construction, operation, and maintenance of major utility facilities comprising: electric generating plants and associated facilities designed for or capable of operation at fifty megawatts or more; electric transmission lines and associated facilities of a design capacity greater than or equal to 125 kilovolts, and natural gas transmission lines and associated facilities of a design capacity greater than 125 pounds of pressure per square inch.

Membership of the Board is specified in ORC Section 4906.02(A), which was amended by Substitute House Bill 415 on December 14, 1977, amended Substitute House Bill 694 on November 15, 1981 and amended Substitute Senate Bill 378 on June 1, 1982. The members, appointed by the Governor with the advice and consent of the Senate, include: the Chairman of the Public Utilities Commission, who serves as Chairman of the Board; the directors of the Environmental Protection Agency; the Department of Health; the Department of Development; the Department of Agriculture; and the Department of Natural Resources. A member of the public, specified as an engineer, is appointed to serve on the Board by the Governor from a list of three nominees provided by the Ohio Consumers' Counsel. Included as ex-officio members of the Board are two members (with alternates) from each House of the Ohio Legislature.

With an original effective date of March 30, 1974, followed by several revisions, the Ohio Power Siting Board Rules and Regulations, Chapter 4906 of the Ohio Administrative Code (OAC), establish application procedures for major utility facilities. Pursuant to ORC Section 4906.07(C) and these rules, the staff evaluates applications and reports the results of such investigations with recommended findings and recommended conditions of certificate in the Staff Report of Investigation.

OHIO EDISON COMPANY

The Ohio Edison Company is incorporated under the laws of the State of Ohio and operates as a public service utility. The Company's incorporation in 1930 resulted from consolidation of the Northern Ohio Power and Light Company, the Pennsylvania-Ohio Power and Light Company, Akron Steam Heating Company and the London Light and Power Company. During the subsequent years, the Company has acquired additional municipal systems, expanding its service area to include many communities and rural areas and participating in the sale of electrical energy for resale to municipalities and rural cooperatives. Pennsylvania Power Company, a wholly-owned subsidiary of Ohio Edison, supplies electricity in many communities and adjacent rural areas and wholesale power to municipalities in western Pennsylvania. These two Companies provide electrical service to more than one million customers within 9,000 square miles of central and northeastern Ohio and western Pennsylvania.

The major transmission network of Ohio Edison Company consists of approximately 2,000 miles of 345 kV and 138 kV transmission facilities. The Company also interconnects with other utilities in adjacent service areas.

II. HISTORY OF THE APPLICATION

Application procedures and requirements for information are specified in Section 4906.06(A) of the Ohio Revised Code (ORC), and are detailed in the Rules and Regulations of the Ohio Power Siting Board (Board).

On July 15, 1994, this application for an amendment, the Smart Road Area Realignment, to the certificate for the Crissinger-Tangy 138 kV transmission line was filed on behalf of the applicant.

On July 20, 1994, an Entry was filed ordering that all further filings made regarding the application be filed under the appropriate case docket identified in Finding No. 3.

On August 29, 1994, an affidavit of service of Donald P. Morrison, Jr. was filed on behalf of the applicant.

On August 31, 1994, the applicant was informed by Chairman Glazer that the application has been certified as complete.

On September 28, 1994, proof of service was filed on behalf of the applicant.

On September 30, 1994, an Entry was filed scheduling a local public hearing at 7:00 p.m. on November 14, 1994 at the cafeteria of the North Union High School, Richwood, Ohio; and an adjudicatory hearing scheduled for 10:00 a.m. on November 15, 1994, at the offices of the Public Utilities Commission of Ohio, Columbus, Ohio.

On October 7, 1994, combined requests for production of documents and interrogatories, first set, was filed on behalf of OPSB staff.

III. CRITERIA

The recommendations and conditions in this Staff Report of Investigation and Findings were developed pursuant to the criteria for certification set forth in Ohio Revised Code (ORC) Chapter 4906. Technical investigations and evaluation were conducted under guidance of the Ohio Power Siting Board Rules and Regulations.

Section 4906.10(A) reads in part:

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:

- (1) the basis of the need for the facility;
- (2) the nature of the probable environmental impact;
- (3) that 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, that 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 that such facilities will serve the interests of electric system economy and reliability;
- (5) that the facility will comply with Chapters 3704., 3734., and 6111. of the Revised Code and all rules and standards adopted under those chapters and under sections 1501.33, 1501.34 and 4561.32 of the Revised Code. In determining whether the facility will comply with all rules and standards adopted under section 4561.32 of the Revised Code, the board shall consult with the division of aviation of the department of transportation under section 4561.341 of the Revised Code;
- (6) that the facility will serve the public interest, convenience, and necessity;
- (7) in addition to the provisions contained in divisions (A)(1) through (A)(6) inclusive of this section, and rules promulgated thereunder, what its impact will be on the viability as agricultural land of any land in an existing agricultural district established under Chapter 929 of the Revised Code that is located within the site and alternative site of the proposed major utility facility. Rules adopted to evaluate impact under division (A)(7) of this section shall not require the compilation, creation, submission, or production of any information, document, or other data pertaining to land not located within the site and alternative site; and

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

IV. NATURE OF INVESTIGATION

The Ohio Power Siting Board Staff, referred to hereafter as "staff", has reviewed the application submitted by the applicant, Ohio Edison Company, for certification of an amendment, the Smart Road Area Realignment, to the certificate issued for the Crissinger-Tangy 138 kV transmission line. The application was prepared and submitted pursuant to ORC Chapter 4906 and Ohio Administrative Code Rules 4906-1, 4906-5, and 4906-15, the Ohio Power Siting Board (Board) Rules and Regulations.

The staff, which consists of career professionals drawn from the staff of the Public Utilities Commission of Ohio, has the responsibility to evaluate, assess, research and make recommendations on applications subject to Board jurisdiction. The staff has evaluated the application and additional information submitted by the applicant and other materials filed with the Board under Case Number 94-1215-EL-BTX. The staff has coordinated the investigations with the agencies represented on the Board and with other interested agencies such as the Ohio Department of Transportation, the Ohio Historical Society, and the U.S. Fish and Wildlife Service.

The Recommended Findings resulting from the staff's investigation in this Report are made pursuant to ORC Section 4906.07(C) and the Board's Rules and Regulations.

V. CONSIDERATIONS AND RECOMMENDED FINDINGS

In the matter of this application of Ohio Edison Company for an Amendment to the Certificate of Environmental Compatibility and Public Need issued for the Crissinger-Tangy 138 kV Transmission Line, Smart Road Area, the following considerations and recommendations are submitted pursuant to and in accordance with Ohio Revised Code (ORC) Section 4906.07(C).

Considerations for ORC Section 4906.10(A)(1)

The need for the Crissinger-Tangy 138 kV Transmission Line was certificated by the Board on September 20, 1993. The proposed change in alignment will not alter the demonstrated need for the facility.

Recommended Findings

The staff recommends that the Board find that the need for the Crissinger-Tangy 138 kV Transmission Line has not been altered by the proposed route modification. Further, the staff recommends that any certificate issued for the proposed modification include the conditions specified in the section of this Report entitled Recommended Conditions of Certificate.

Considerations for ORC Section 4906.10 (A)(2)

Nature of Probable Environmental Impact

The staff has reviewed the environmental information contained in the record compiled to date in this proceeding and has made site visits to the project area. As a result, the staff concludes that the nature of the probable environmental impact has been determined.

- (1) The project involves a realignment of the southern portion of the Crissinger-Tangy 138 kV certificated transmission line route within the vicinity of Smart Road in Delaware County.
- (2) The proposed realignment is located north of Penn Road and south of Ostrander Road and is approximately 2.1 miles in length.
- (3) Vegetative cover types within 1,000 feet of the proposed alignment include agricultural fields, woodlands, and field borders/fencerows.
- (4) The proposed realignment will cross two unnamed tributaries to Blues Creek. Selective clearing of vegetation will occur near the banks during construction.
- (5) Construction of the transmission line along the proposed realignment will require the clearing of 3,000 linear feet or 3.2 acres of upland and riparian woodlands and fencerows. This will generate 112 cubic yards of vegetative debris.
- (6) The majority of the woody vegetation will be removed from two areas of mature woodlands crossed by the realignment. The previously certificated route avoided both of these areas. Clearing may also be required where the realignment parallels other wooded areas and fencerows.
- (7) The proposed realignment will bisect 36 acres of upland woods and cross a tributary to Blues Creek between State Route 36 and Fontanelle Road. The removal of woody vegetation from the 60-foot-wide right-of-way will result in the loss of the integrity of the riparian area associated with the headwaters of this stream. Clearing activities may also destabilize the stream banks resulting in increased erosion and sedimentation. In addition, the permanent loss of woodlands, valuable as habitat for certain wildlife species, will occur.
- (8) The proposed realignment will also cross 28 acres of upland woods located between Fontanelle Road and Ostrander Road. The permanent

loss of woodlands, including a large number of mature trees, will occur primarily along the edges.

- (9) The realignment, as proposed, will affect upland woods, riparian areas, and fencerows to a greater extent than the corresponding section of the previously certificated route. The woodlands and fencerows provide the only natural habitat in a predominantly agricultural area. In addition, retaining well developed riparian vegetation is critical in establishing and maintaining water quality.
- (10) The dominant land use in proximity to the proposed realignment is agriculture. The majority of this route follows existing field and property lines. This realignment will allow for a greater amount of agricultural production, while reducing damage to drainage tile systems. Additionally, interference with agricultural operations will also be reduced. Therefore, negative impacts to agriculture are significantly reduced by the proposed realignment.
- (11) The southern end of the proposed realignment follows an existing 345 kV line right-of-way. The proposed realignment parallels that existing 345 kV line for an additional 2,000 feet more than the original certificated route.
- (12) Because the majority of the proposed realignment follows property lines and an existing utility corridor, negative impacts to future development should be lessened.
- (13) The proposed realignment is not likely to produce any significant conflict with existing utilities.
- (14) The proposed realignment is not expected to have any discernible negative impact on recreational land uses.
- (15) Within the study corridor, there are no recorded archaeological sites or properties on the National Register of Historic Places.
- (16) By following an existing utility corridor and field/property lines, construction impacts on affected property owners should be reduced.
- (17) Negative aesthetic impacts are expected to be similar to the previously certificated route.
- (18) The relocation described by this amendment will add an estimated net cost of \$35,000 to \$45,000 to the project. This includes a net addition of approximately 650 feet of additional transmission line right-of-way and the associated conductors, poles, dead-end structures and hardware.

Recommended Findings

The staff recommends that the Board find that the nature of the probable environmental impact has been determined for the proposed route modification. Further, the staff recommends that any certificate issued by the board for the proposed realignment include the conditions specified in the section of this Report entitled Recommended Conditions of Certificate.

Considerations for ORC Section 4906.10 (A)(3)

Minimum Adverse Environmental Impact

The staff has studied the applicant's description of the ecological, social, and economic impacts which would result from the construction and operation of the transmission line along the proposed realignment. In addition, the staff has made field trips to the project area.

The project involves a realignment of the southern portion of the Crissinger-Tangy 138 kV certified transmission line route within the vicinity of Smart Road in Delaware County. The proposed realignment, 2.1 miles in length, is located north of Penn Road and south of Ostrander Road.

The proposed structures to be utilized are the certified preferred route structures described on pages 02-22 through 02-24 of the original application.

The staff has determined that the additional clearing required by the proposed realignment will result in a greater loss of vegetation, including mature trees, in the upland woods, riparian areas, and fencerows than would have occurred had the original alignment been followed. Riparian areas are critical in establishing and maintaining water quality, especially in agricultural areas. In addition, the woodlots, riparian areas, and fencerows provide the only natural habitat for wildlife along either alignment. The staff has also determined, however, that the realignment will result in fewer negative social impacts. Areas of social impact that benefit include a reduction in the loss of agricultural production and less disruption to farming operations due to structure placement, less impact on future development due to route alignment, and less impact on property owners during facility construction. The staff concludes that careful construction practices and final engineering adjustments, with the consent of the property owners, could further reduce the additional environmental impacts associated with the proposed realignment.

Recommended Findings

The Staff recommends that the Board find that the proposed route modification 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. Further, the staff recommends that any certificate issued by the Board for the proposed facility include the conditions specified in the section of this Report entitled Recommended Conditions of Certificate.

Considerations for ORC Section 4906.10(A)(4)

Electric Grid

On September 20, 1993, the Board determined that the facility, as originally proposed, was consistent with plans for expansion of the regional power grid, and would serve the interests of electric system economy and reliability. The proposed route modification will not alter that determination.

Recommended Findings

The staff recommends that the Board find that the proposed route modification is consistent with plans for expansion of the regional power grid and will serve the interests of electric system economy and reliability. Further, the staff recommends that any certificate issued by the Board for the proposed facility include the conditions specified in the section of this Report entitled Recommended Conditions of Certificate.

Considerations for ORC Section 4906.10(A)(5)

Air, Water, And Solid Waste

Air quality permits are not required for construction and operation of the proposed realignment. Therefore, the proposed facility will comply with ORC Chapter 3704. The applicant's solid waste program would comply with Ohio Environmental Protection Agency regulations and with ORC Chapter 3734. The proposed facility will comply with Section 4561.32 of the ORC.

In order to meet the requirements of Chapter 6111, the applicant shall have to obtain all applicable permits and authorizations, prior to construction, from the appropriate Federal and State entities.

Recommended Findings

The staff recommends that the Board find that the proposed route modification will comply with ORC Chapters 3704, 3734, and 6111 and all regulations and standards adopted thereunder. In addition, the staff recommends that the Board find that the proposed facility will comply with ORC Section 4561.32. Further, the staff recommends that any certificate issued by the Board for the proposed facility include the conditions specified in the section of this Report entitled Recommended Conditions of Certificate.

Considerations for ORC Section 4906.10(A)(6)

Public Interest, Convenience, and Necessity

The applicant discusses aesthetics, health and safety considerations in the amendment application. The staff concurs with the applicant's conclusion that no significant adverse aesthetic impacts should result from the construction, operation, and maintenance of the proposed amended facility.

The applicant will comply with safety standards set by the Occupational Safety and Health Administration (OSHA), the Public Utilities Commission of Ohio and equipment specifications.

Recommended Findings

The staff recommends that the Board find that the proposed route modification will serve the public interest, convenience, and necessity. Further, the staff recommends that any certificate issued by the Board for the proposed facility include the conditions specified in the section of this Report entitled Recommended Conditions of Certificate.

Considerations for ORC Section 4906.10 (A)(7)

Agricultural Districts

The applicant has identified no agricultural districts impacted by the proposed realignment.

Recommended Findings

The staff recommends that the Board find that the impact of the proposed route modification on the viability of existing agricultural districts has been determined. Further, the staff recommends that any certificate issued by the Board for the proposed facility include the conditions specified in the section of this Report entitled Recommended Conditions of Certificate.

Considerations of ORC Section 4906.10(A)(8)

Water Conservation Practice

Water conservation practice is not applicable for construction and operation of the proposed facility.

Recommended Findings

The staff recommends that the Board find that the proposed route modification will comply with ORC Section 4906.10(A)(8). Further, the Staff recommends that any certificate issued by the Board for the proposed facility include the conditions specified in the section of this Report entitled Recommended Conditions of Certificate.

VI. RECOMMENDED CONDITIONS OF CERTIFICATE

Following a review of the application to the Ohio Power Siting Board by the applicant, Ohio Edison Company, for an amendment to the certificate issued for the Crissinger-Tangy 138 kV Transmission Line Project, Smart Road Area, and the record compiled to date in this proceeding, the staff recommends that the following conditions become part of any certificate issued for the proposed amendment:

- (1) That the amended portion of the facility be installed on the applicant's proposed realignment as depicted on Figure 02-4-A of the application.
- (2) That all conditions of the original certificate be applicable to the amended portion of the facility.

APPENDIX
DOCKETING RECORD

CASE NUMBER: 94-1215-EL-BTX

CASE DESC : OHIO EDISON/SMART ROAD AREA

DATE FILED : 15-JUL-1994

ATTORNEY EXAMINER: _Farkas, Scott E.

ATTORNEY GENERAL:

Applicant

OHIO EDISON COMPANY
WILLARD R. HOLLAND, PRES & CEO
76 SOUTH MAIN STREET
AKRON, OH 44308

BARRY M. MILLER
VICE PRESIDENT
OHIO EDISON COMPANY
76 SOUTH MAIN STREET
AKRON, OH 44308-1890

15-JUL-1994 ICN #0001 In the matter of application for amendment to the certificate of environmental compatibility and public need for the Crissinger-Tangy 138 kV Transmission Line Project, Smart Road Area Realignment, Delaware County.

20-JUL-1994 ICN #0002 Entry ordering that all further filings made regarding the Crissinger Substation, Tawa Road, Brindle Road, and Smart Road amendments be filed under the appropriate case docket identified in Finding No. 3. (OPSB)

19-AUG-1994 ICN #0003 Affidavit of service of Donald P. Morrison, Jr. filed on behalf of applicant by T. Burgess. (2 pgs.)

31-AUG-1994 ICN #0004 Letter to Mr. B. M. Miller stating that the application has today been certified as being complete, filed by the OPSB staff. (2 pgs.)

28-SEP-1994 ICN #0005 Notification of service letter, affidavit of service, and service list filed on behalf of applicant by M. Beiting. (6 pgs.)

0-SEP-1994 ICN #0006 Entry scheduling a local public hearing at 7:00 p.m. on 11/14/94 at the cafeteria of the North Union High School, Richwood, Ohio; scheduling an adjudicatory hearing at 10:00 a.m. on 11/15/94 at the Commission offices. (AE) (3 pgs.)

7-OCT-1994 ICN #0007 Combined requests for production of documents and interrogatories, first set, filed on behalf of the OPSB staff by D. Luckey. (12 pgs.)

7-OCT-1994 ICN #0008 Response to OPSB staff's requests for production of documents and interrogatories, first set, filed on behalf of applicant by M. Beiting. (18 pgs.)