

EXHIBIT NO. _____

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of AEP Ohio)	
Transmission Company for a Certificate of)	
Environmental Compatibility and Public Need)	Case No. 13-430-EL-BTX
to construct the 138kV Biers Run-Circleville)	
Transmission Line Project)	

**PRE-FILED TESTIMONY OF SHAWN P. MALONE
ON BEHALF OF
AEP OHIO TRANSMISSION COMPANY
IN SUPPORT OF THE JOINT STIPULATION AND RECOMMENDATION**

Filed November 14, 2014

**TESTIMONY OF SHAWN P. MALONE
ON BEHALF OF
AEP OHIO TRANSMISSION COMPANY
IN SUPPORT OF THE JOINT STIPULATION AND RECOMMENDATION**

1 **Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

2 A. My name is Shawn Malone and my business address is 700 Morrison Road, Gahanna,
3 Ohio 43230.

4 **Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?**

5 A. I am employed by AEP Ohio Transmission Company (“AEP Ohio Transco” or the
6 “Company”) as a Transmission Project Manager.

7 **Q. PLEASE BRIEFLY DESCRIBE YOUR EDUCATIONAL BACKGROUND AND
8 BUSINESS EXPERIENCE.**

9 A. I obtained a Bachelor of Science in Architectural Engineering Technology from The
10 University of Cincinnati in 1990 and I have over 15 years of experience working in
11 construction and project management. Additionally, I earned my Project Management
12 Professional Certification (PMP) from the Project Management Institute (PMI) and I am
13 the project manager for the Company’s 138kV Biers Run-Circleville Transmission Line
14 project (“Project”).

15 **Q. WHAT ARE YOUR RESPONSIBILITIES AS A TRANSMISSION PROJECT
16 MANAGER?**

17 A. I am responsible for the project management of activities and project teams required for the
18 successful installation of transmission line and transmission and distribution station
19 facilities. I plan, organize, and direct team activities to develop and support all aspects of
20 transmission line and transmission and distribution station facilities, including logistics,
21 communication, planning, scheduling, siting, right-of-way, real estate acquisition,

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1 engineering, procurement, contracting, construction and financial aspects of each assigned
2 project.

3 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

4 A. The purpose of my testimony is to describe and support the Joint Stipulation and
5 Recommendation (“Stipulation”) (incorporated by reference into this testimony) entered
6 into by AEP Ohio Transco and the Staff of the Ohio Power Siting Board (collectively,
7 “Signatory Parties”) and filed on November 14, 2014, to resolve the issues in this case.
8 The Signatory Parties recommend that the Ohio Power Siting Board (“Board”) issue a
9 Certificate of Environmental Compatibility and Public Need for construction and
10 operation of the 138kV Biers Run-Circleville Transmission Line along the Preferred Site,
11 as identified in the Company’s June 2, 2014, application (“Application”), supplemental
12 filings and subject to the conditions further described in the Stipulation. This testimony
13 demonstrates that:

14 (1) the Stipulation is a product of serious bargaining among capable, knowledgeable
15 parties; (2) the Stipulation does not violate any important regulatory principle or
16 practice; and (3) the Stipulation, as a whole, will benefit customers and the public
17 interest.

18 **Q. DO YOU SPONSOR ANY EXHIBITS AS PART OF YOUR TESTIMONY?**

19 A. Yes. I am sponsoring and attaching the Exhibit 1- the Joint Stipulation and
20 Recommendation reached with the Board Staff in this case as part of my testimony.

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WHAT ARE THE MAJOR PROVISIONS OF THE STIPULATION?**

A. AEP has a critical need to reinforce its transmission system. This Project is needed to improve and maintain the quality of service and reliability to the south central Ohio area, including AEP Ohio Transco's customer load area of southern Columbus, Chillicothe, Circleville, and Waverly, among others. To that end, AEP Transco proposes to construct a new single circuit 138 kV overhead electric transmission line for approximately 19 miles. The Project, as more fully discussed in the Company's Application, is a major transmission reinforcement effort designed to help AEP maintain an adequate level of transmission reliability and availability of electric power to residential, commercial, institutional and industrial users in this part of Ohio.

Q. WHAT CRITERIA HAS THE BOARD USED IN REVIEWING AND APPROVING STIPULATIONS AMONG SIGNATORY PARTIES TO A PROCEEDING?

A. My understanding is that a stipulation traditionally must satisfy three criteria: (1) the stipulation must be a product of serious bargaining among capable, knowledgeable parties; (2) the stipulation must not violate any important regulatory principle or practice; and (3) the stipulation must, as a whole, benefit customers and the public interest.

Q. DOES THE STIPULATION REPRESENT A PRODUCT OF SERIOUS BARGAINING AMONG CAPABLE, KNOWLEDGEABLE PARTIES?

A. Yes, it does. All parties to the Stipulation were represented by experienced, competent counsel. Also, the parties to the Stipulation regularly participate in proceedings before the Board and are knowledgeable in regulatory matters. All parties were invited to

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1 participate in settlement discussions regarding the Stipulation. All parties were provided
2 the draft Stipulation and given the opportunity to further engage in settlement discussions
3 with the Company. Therefore, the Stipulation represents a product of serious bargaining
4 among capable, knowledgeable parties.

5 **Q. DOES THE STIPULATION VIOLATE ANY IMPORTANT REGULATORY**
6 **PRINCIPLES AND PRACTICES?**

7 A. No, it does not. Based on my experience with the regulatory process and review of the
8 Stipulation, I believe that the Stipulation is consistent with, and does not violate,
9 regulatory principles and practices in Ohio. On the contrary, the Stipulation is designed
10 to comply with the requirements of Revised Code 4906.10, which provides the basis for
11 decision granting or denying a certificate.

12 **Q. DOES THE STIPULATION BENEFIT CONSUMERS AND THE PUBLIC**
13 **INTEREST?**

14 A. Yes, it does. The Stipulation, which provides for the construction of the Project on the
15 Preferred Route, benefits consumers insofar as the Project will help ensure that
16 increased demands for electricity are met in the future and that existing reliability
17 service is strengthened and enhanced throughout the area. As discussed on page 6-17
18 of the Application, the Project will also produce tax revenues for the local community
19 and public services in those areas. Based on 2013 tax rates, the approximate annual
20 property taxes associated with the Preferred and Alternate Routes over the first year
21 after the Project is completed are \$1,109,130 and \$1,082,981, respectively. The

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1 Stipulation also benefits the public by requiring the AEP Ohio Transco to comply with
2 numerous conditions to minimize impacts to the area.

3 **Q. DID AEP OHIO TRANSCO TAKE INTO ACCOUNT THE PUBLIC INPUT IN**
4 **ITS DELIBERATIONS?**

5 A. Yes. AEP Ohio Transco filed a supplement to its Application on October 15, 2014, to
6 address a concern raised by a resident. The resident was concerned about the impact
7 the preferred route would have on a preserved swamp area. AEP Ohio Transco was
8 able to adjust the request and avoid the environmental area raised in the resident's
9 concern. AEP Ohio Transco has also made similar type of adjustments, to both the
10 preferred and alternate routes, based on property owner input.

11 **Q. IS IT AEP OHIO TRANSCO'S POSITION THAT THE STIPULATION MEETS**
12 **THE THREE-PART TEST REGARDING CONSIDERATION OF**
13 **STIPULATIONS AND SHOULD BE ADOPTED BY THE BOARD?**

14 A. Yes, it is. The Stipulation is reasonable and should be adopted by the Board to resolve
15 the present proceeding.

16 **Q. DOES THIS CONCLUDE YOUR PRE-FILED TESTIMONY?**

17 A. Yes it does.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was served via electronic mail upon the individuals listed below this 14th day of November, 2014.


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Exhibit 1

Joint Stipulation and Recommendation

13-430-EL-BTX

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of AEP Ohio)	
Transmission Company for a Certificate of)	
Environmental Compatibility and Public Need)	Case No. 13-0430-EL-BTX
to construct the 138 kV Biers Run – Circleville)	
Transmission Line Project)	

JOINT STIPULATION AND RECOMMENDATION

I. INTRODUCTION

AEP Ohio Transmission Company (“AEP Transco” or “Applicant”), and the Staff of the Ohio Power Siting Board (“OPSB Staff”) (at times, collectively referred to as the “Parties”) submit and recommend this Joint Stipulation and Recommendation (“Stipulation”) for adoption by the Ohio Power Siting Board (“Board”). This Stipulation is intended by the Parties to resolve all matters pertinent to Applicant’s proposed Biers Run – Circleville Transmission Line project (“Project”).

AEP Ohio Transco proposes to construct the Project in Pickaway and Ross counties, Ohio. The Project is needed to improve and maintain the quality of service and reliability to the south central Ohio area, including AEP Ohio Transco’s customer load area of southern Columbus, Chillicothe, Circleville, and Waverly, among others. The Project is planned to be placed in service by the spring of 2017. The proposed Project would install a new single circuit 138 kV overhead electric transmission line for approximately 19 miles. A 100-foot right-of-way will be needed for the new transmission line, which will incorporate steel poles for support. A route selection study was conducted for the proposed new transmission line. AEP Ohio Transco

incorporated public input and field survey data to identify route alternatives and identify Preferred and Alternate transmission line routes.

The Preferred Route of the Project is approximately 19 miles long. The Preferred Route exits the Circleville substation to the south for approximately 950 feet before turning west to cross US Route 23 and the Scioto River. The route then parallels US Route 22 for approximately 3,000 feet. The route continues southwest through agricultural fields, then turns west to the south of Calamus Swamp. The route then parallels State Route 104 for one mile in a southerly direction before turning southwest for 1.3 miles. The route continues south and parallels Westfall Road for approximately 8.6 miles along agricultural and residential parcels. The route then runs cross-country, passing over Egypt Pike, Albright Mill Road, and Biers Run Road before terminating at the Biers Run substation, which is presently under construction. The final 3.8 miles of the route parallels AEP Ohio Transco's existing Don Marquis-Bixby 345 kV transmission line.

The Alternate Route of the Project is approximately 18.5 miles long. The Alternate Route exits the Circleville substation to the south for approximately 1,600 feet before turning west to cross US Route 23. After approximately 2,000 feet, the route crosses the Scioto River, continuing west over the former Ohio and Erie Canal and past a working gravel quarry. The route then heads southwest passing by a farming complex and agricultural fields. The route heads southwest cross-country to the north/west bank of the Scioto River where it parallels State Route 104 for approximately 4 miles. At the intersection of State Route 104 and Swaney Road, the route jogs to the west and follows Swaney Road before turning south/southwest and terminating at the Biers Run substation.

This Stipulation is the product of serious bargaining among capable and knowledgeable parties. The Parties have each participated in negotiations. This Joint Stipulation has been signed by the Applicant and OPSB Staff (collectively “Signatory Parties”). Each of the Signatory Parties was represented by experienced counsel.

This Stipulation will benefit customers and the public interest. As part of the Stipulation, the Applicant has made commitments (as more fully described below) to comply with requests from the public input and OPSB Staff conditions to minimize adverse impacts associated with the Project. The Stipulation does not violate any important regulatory principle or criteria. The Project is more fully described in the Application filed with the Board on June 2, 2014 (“Application”). This Stipulation and Recommendation results from discussions between the Parties, who agree that it is supported by adequate data and information and is therefore entitled to careful consideration by the Board.

Accordingly, the Parties recommend that the Board issue a Certificate of Environmental Compatibility and Public Need for construction and operation of the Biers Run – Circleville Transmission Line at the Preferred Route, as identified in the Application, and subject to the conditions described in this Joint Stipulation.

II. STIPULATIONS

A. Recommended Findings of Fact

The Parties agree that the record in this case, which consists of the Application, any supplemental or related information and the Staff Report of Investigation, contains sufficient probative evidence for the Board to find and determine, as findings of fact, that:

- (1) AEP Transco is a wholly-owned subsidiary of AEP Transmission Company, LLC, which is an Ohio Corporation.

- (2) The proposed Project is a “major utility facility,” as defined in Section 4906.01(B)(1) of the Ohio Revised Code.
- (3) On September 30, 2013, the Applicant filed a pre-application notification letter in accordance with Rule 4905-5-06.
- (4) On October 11, 2013, the Applicant filed proof of publication of the notice that was issued regarding the Project.
- (5) On June 2, 2014, the Applicant filed the Application.
- (6) On August 1, 2014, the Applicant was issued a letter of compliance regarding the Application from the Chairman of the OPSB.
- (7) On August 15, 2014, the Applicant filed proof of service of the Application on local officials.
- (8) On September 5, 2014, the Administrative Law Judge issued an Entry establishing a procedural schedule.
- (9) On October 1, 2014, the Applicant filed proof of publication of the proposed Project, including information on the time and location of the public hearings.
- (10) On October 15, 2014, the Applicant filed a Supplement to the Application.
- (11) On October 21, 2014, the OPSB Staff filed its Staff Report of Investigation (“Staff Report”).
- (12) On October 29, 2014, the Applicant filed correspondence accepting the Recommend Conditions of Certificate contained in the Staff Report and indicating that it has no issues to be pursued during cross-examination at the evidentiary hearing.
- (13) On November 5 and 6, 2014, local public hearings were held in Chillicothe and Circleville, Ohio, respectively.
- (14) Adequate data on the Project has been provided to the Board and OPSB Staff to determine the basis of the need for the Project, as required by Section 4906.10(A)(1) of the Ohio Revised Code.

(15) Adequate data on the Project has been provided to the Board and OPSB Staff to determine the nature of the probable environmental impact of the Project, as required by Section 4906.10(A)(2) of the Ohio Revised Code.

(16) Adequate data on the Project has been provided to the Board and OPSB Staff to determine that the Preferred Route contained in the Application 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) of the Ohio Revised Code.

(17) Adequate data on the Project has been provided to the Board and OPSB Staff to determine that construction of the Project on the Preferred Route will have no adverse impact upon the electric grid, as required by Section 4906.10(A)(4) of the Ohio Revised Code.

(18) Adequate data on the Project has been provided to the Board and OPSB Staff to determine that the Project will comply with Chapters 3704., 3734. and 6111. of the Ohio Revised Code and all rules and standards adopted under those chapters and under sections 1501.33, 1501.34 and 4561.32 of the Ohio Revised Code, as required by Section 4906.10(A)(5) of the Ohio Revised Code.

(19) Adequate data on the Project has been provided to the Board and OPSB Staff to determine that the Project will serve the public interest, convenience and necessity, as required by Section 4906.10(A)(6) of the Ohio Revised Code.

(20) Adequate data on the Project has been provided to the Board and OPSB Staff to determine the Project's impact on the viability as agricultural land of any land in an existing agricultural district established under Chapter 929. of the Ohio Revised Code that is located within the Preferred Route and Alternate Route of the Project, as required by Section 4906.10(A)(7) of the Ohio Revised Code.

(21) Due to the fact that the facility will not require the use of water for operation, consideration of water conservation practices, considering available technology and the nature and economics of the various alternatives under Section 4906.10(A)(8) of the Ohio Revised Code is not applicable to certification of the Project.

(22) The information, data and evidence in the record of this proceeding provide substantial and adequate evidence and information to enable the Board to make an informed decision on the proposed Project.

B. Recommended Conclusions of Law

The Parties further agree that the record in this case contains sufficient probative evidence for the Board to find and determine, as conclusions of law, that:

- (1) AEP Transco is a “person” pursuant to Section 4906.01(A) of the Ohio Revised Code.
- (2) The Project is a “major utility facility” as defined by Section 4906.01(B)(2) of the Ohio Revised Code.
- (3) The Application complies with the requirements of Ohio Administrative Code Rules 4906-15-01 *et seq.*
- (4) The record establishes the need for the Project as required by Section 4906.10(A)(1) of the Ohio Revised Code.
- (5) The record establishes the nature of the probable environmental impact from construction, operation and maintenance of the Project as required by Section 4906.10(A)(2) of the Ohio Revised Code.
- (6) The record establishes that the proposed Preferred Route 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, as required by Section 4906.10(A)(3) of the Ohio Revised Code.
- (7) The record establishes that the Project, if conditioned in the certificate as recommended by the Parties, will comply with Chapters 3704., 3734. and 6111. of the Ohio 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, all as required by Section 4906.10(A)(5) of the Ohio Revised Code.
- (8) The record establishes that the Project will serve the public interest, convenience and necessity, as required by Section 4906.10(A)(6) of the Ohio Revised Code.
- (9) The record establishes the impact of the Project on the viability as agricultural land of any land in an existing agricultural district established under Chapter 929. of the Ohio Revised Code that is located within the Preferred Route and Alternate Route of the proposed project as required by Section 4906.10(A)(7) of the Ohio Revised Code.

C. Recommended Conditions of the Certificate of Environmental Compatibility and Public Need

The Parties recommend that the Board issue a Certificate of Environmental Compatibility and Public Need, as requested by AEP Transco, subject to the following conditions:

- (1) The facility shall be installed on the Applicant's Preferred Route, utilizing the equipment, construction practices, and mitigation measures as presented in the application filed on June 2, 2014, and as modified and/or clarified by the Applicant's supplemental filing of October 15, 2014 and further clarified by recommendations in the Staff Report.
- (2) The Applicant shall conduct a preconstruction conference prior to the start of any construction activities. Staff, the Applicant, and representatives of the prime contractor and/or subcontractors for the project shall attend the preconstruction conference. The conference shall include a presentation of the measures to be taken by the Applicant 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, the Applicant shall provide a proposed conference agenda for Staff review to ensure compliance with this condition. The Applicant may conduct separate preconstruction meetings for each stage of construction.
- (3) Within 60 days after the commencement of commercial operation, the Applicant shall submit to Staff a copy of the as-built specifications for the entire facility. The Applicant shall provide as-built drawings in both hard copy and as geographically-referenced electronic data.
- (4) The certificate shall become invalid if the Applicant has not commenced a continuous course of construction of the proposed facility within five years of the date of journalization of the certificate.
- (5) As the information becomes known, the Applicant 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.
- (6) At least 30 days before the initial preconstruction conference, the Applicant shall submit to Staff, for review to ensure compliance with this condition, one set of detailed engineering drawings of the final project design, including the facility, temporary and permanent access roads, 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 the Applicant and/or its contractors must adhere to a specific condition in order to comply with the certificate.

(7) Prior to construction, the Applicant shall finalize coordination of the assessment of potential effects, if any, with Staff and the Ohio Historic Preservation Office on historic structures within the city of Circleville and the historic schoolhouse along Westfall Road, as outlined in the correspondence from the Ohio Historic Preservation Office dated October 15, 2014. If the resulting coordination discloses a find of cultural significance, or inclusion in the National Register of Historic Places, then the Applicant shall submit an amendment, modification, or mitigation plan to Staff to ensure compliance with this condition. Any such mitigation effort, if needed, shall be developed in coordination with the Ohio Historic Preservation Office and submitted to Staff for review.

(8) Prior to construction, the Applicant shall conduct a Phase I archaeological survey and an assessment of potential impacts to historical and architectural resources along the Alternate Route if the Alternate Route is certificated by the Board. If the architectural survey discloses a find of cultural or architectural significance, or a structure that could be eligible for inclusion in the National Register of Historic Places, then the Applicant shall submit an amendment, modification, or mitigation plan. Any such mitigation effort, if needed, shall be developed in coordination with the Ohio Historic Preservation Office and submitted to Staff to ensure compliance with this condition.

(9) The Applicant shall replace agricultural field tiles damaged from this project, and that excavated topsoil in agricultural fields will be segregated and restored upon backfilling.

(10) The Applicant shall have a streamside vegetation restoration plan for the clearing of any riparian vegetation along the Scioto River for the placement of the electric transmission line that minimizes impacts associated with such activity and incorporates the planting of low growing, shrubby vegetation. At least 30 days prior to the commencement of clearing activities, the Applicant shall submit such plan to Staff for review to ensure compliance with this condition.

(11) The Applicant shall not conduct mechanized clearing within 25 feet of the Scioto River.

(12) The Applicant shall provide a construction access plan for review prior to the preconstruction conference. The plan would consider the location of streams, wetlands, wooded areas, and sensitive plant species, as identified by the Ohio Department of Natural Resources Division of Wildlife, and explain how impacts to all sensitive resources will be avoided or minimized during construction, operation, and maintenance. The plan would 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.

(13) The Applicant shall provide a vegetation management plan for review prior to the preconstruction conference. The plan will 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.

(14) The Applicant shall have a qualified environmental specialist on-site during construction activities that may affect sensitive areas, as mutually agreed upon between the Applicant and Staff, and as shown on the Applicant'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.

(15) The Applicant shall contact Staff, the Ohio Department of Natural Resources, and the U.S. Fish and Wildlife Service 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 the Applicant, Staff, and the Ohio Department of Natural Resources in coordination with the U.S. Fish and Wildlife Service. 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.

(16) The Applicant shall adhere to seasonal cutting dates of October 1 to March 31 for the clearing of trees that exhibit suitable Indiana bat summer habitat, such as roosting and maternity roost trees.

(17) Prior to commencement of construction activities that require transportation permits, the Applicant shall obtain all such permits. The Applicant 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.

(18) Prior to the commencement of construction activities that require permits or authorizations by federal or state laws and regulations, the Applicant shall obtain and comply with such permits or authorizations. The Applicant shall provide copies of permits and authorizations, including all supporting documentation, to

Staff within seven days of issuance or receipt by the Applicant. The Applicant shall provide a schedule of construction activities and acquisition of corresponding permits for each activity at the preconstruction conference.

(19) At least seven days before the preconstruction conference, the Applicant shall submit to Staff, for review to ensure compliance with this condition, a copy of all National Pollutant Discharge Elimination System permits including its approved Storm Water Pollution Prevention Plan; approved Spill Prevention, Control, and Countermeasure procedures; and its erosion and sediment control plan. Any soil issues must be addressed through proper design and adherence to the Ohio Environmental Protection Agency best management practices related to erosion and sedimentation control.

(20) The Applicant shall remove all temporary gravel and other construction staging area and access road materials after completion of construction activities, as weather permits, unless otherwise directed by the landowner. Impacted areas shall be restored to preconstruction conditions in compliance with the National Pollutant Discharge Elimination System permit(s) obtained for the project and the approved Storm Water Pollution Prevention Plan created for this project.

(21) The Applicant shall not dispose of gravel or any other construction material during or following construction of the facility by spreading such material on agricultural land. All construction debris and all contaminated soil shall be promptly removed and properly disposed of in accordance with Ohio Environmental Protection Agency regulations.

(22) That 30 days prior to any construction, the Applicant shall notify, in writing, any owner of an airport located within 20 miles of the facility 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, or maintenance of the facility.

(23) The Applicant shall coordinate with the Federal Aviation Administration and the Ohio Department of Transportation once final pole locations and heights are determined for this project. If the proposed pole locations and heights constitute a hazard to air navigation then further coordination with Staff shall be necessary before construction can commence.

III. EXHIBITS

The Parties agree and stipulate that the following information has been filed in the docket and are to be marked and admitted into the record as exhibits of this proceeding and that cross-examination is waived thereon:

- AEP Ohio Transco Exhibit No. 1: The Application filed on June 2, 2014 together with the Supplement filed on October 15, 2014 and certified as complete by the Board on August 1, 2014
- AEP Ohio Transco Exhibit No. 2: Proof of Publication filed on October 11, 2013
- AEP Ohio Transco Exhibit No. 3: Proof of Publication filed on October 1, 2014
- AEP Ohio Transco Exhibit No. 4: Proof of Publication filed on October 31, 2014
- Staff Exhibit No. 1: Staff Report of Investigation filed on October 21, 2014
- Joint Exhibit No. 1: This Joint Stipulation and Recommendation.

In deliberating the merits of the Application and reasonableness of this Stipulation, the Parties encourage the Board to review and consider all evidence and exhibits submitted and admitted in this case.

IV. OTHER STIPULATIONS


(1) This Joint Stipulation is expressly conditioned upon its acceptance by the Board without material modification. In the event the Board rejects or materially modifies all or part of this Joint Stipulation, or imposes additional conditions or requirements upon the Parties, each party shall have the right, within thirty (30) days of the Board's order, to file an application for rehearing with the Board. Each party shall have the right, within ten (10) days of the Board's entry on rehearing on the merits or denial by operation of law, to file a notice of termination and withdrawal of the Joint Stipulation. Upon notice of termination and withdrawal of the Stipulation by any party,

pursuant to the above provisions, the Joint Stipulation shall immediately become null and void, and any party to the Joint Stipulation shall be free to petition the Board or the Attorney Examiner for such additional process as may be necessary to address any of the remaining issues in this case. In such an event, a hearing shall go forward, and the Parties shall be afforded the opportunity to present evidence through witnesses, to cross-examine all witnesses, to present rebuttal testimony, and to file briefs on all issues.

(2) The Parties agree and recognize that this Joint Stipulation has been entered into only for the purpose of this proceeding. Each party agrees not to assert against another party in any proceeding before the Board or any court, other than in a proceeding to enforce the terms of this Joint Stipulation, that party's participation in this Joint Stipulation as support for any particular position on any issue. Each party further agrees that it will not use this Joint Stipulation as factual or legal precedent on any issue, except as may be necessary to support enforcement of this Joint Stipulation. The Parties request that the Board recognize that its use of this Joint Stipulation in any proceeding other than this proceeding is contrary to the intentions of the Parties in entering into this Joint Stipulation.


WHEREFORE, based upon the record, and the information and data contained therein, the Signatory Parties recommend that the Board issue a Certificate of Environmental Compatibility and Public Need for construction, operation and maintenance of the proposed Biers Run – Circleville Transmission Line on the Preferred Route as described in the Application filed with the Board on June 2, 2014, and subject to all conditions enumerated in this Joint Stipulation and Recommendation. The undersigned stipulate and represent that they are authorized to enter into this Joint Stipulation and Recommendation on this 14th day of November, 2014.

Respectfully submitted,

 *with Authority Matthew Satterwhite*

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On behalf of AEP Ohio Transmission Company

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was served via electronic mail upon the individuals listed below this 14th day of November, 2014.



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Summary: Testimony of Shawn P. Malone in Support of the Joint Stipulation and Recommendation electronically filed by Mr. Matthew J Satterwhite on behalf of AEP Ohio Transmission Company