

FILE

PUCO EXHIBIT FILING

Date of Hearing: August 26, 2015

In the Matter of the  
Application of American  
Transmission Systems,  
Incorporated for a  
Certificate of  
Environmental  
Compatibility and Public  
Need for the Lake Avenue  
Substation Project.

Case No. 14-2162-EL-BSB

PUCO

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List of exhibits being filed:

Applicants #2 and #3  
Staff #1 and #2  
Joint #1

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Date Submitted: 9/3

BEFORE THE OHIO POWER SITING BOARD

- - -

In the Matter of the :  
Application of American :  
Transmission Systems, :  
Incorporated for a :  
Certificate of :  
Environmental : Case No. 14-2162-EL-BSB  
Compatibility and Public :  
Need for the Lake Avenue :  
Substation Project. :

- - -

PROCEEDINGS

before Sarah Parrot, Administrative Law Judge, at the  
Public Utilities Commission of Ohio, 180 East Broad  
Street, Room 11-C, Columbus, Ohio, called at 10:00  
a.m. on Wednesday, August 26, 2015.

- - -

ARMSTRONG & OKEY, INC.  
222 East Town Street, Second Floor  
Columbus, Ohio 43215-5201  
(614) 224-9481 - (800) 223-9481  
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- - -

# THE CHRONICLE TELEGRAM

PUBLISHED BY  
The Lorain County Printing & Publishing Co.  
225 EAST AVENUE • P.O. BOX 4010 • ELYRIA, OHIO 44036

June 24, 2015  
Kathy Alexander  
First Energy Media  
9183 Bradywine Dr.  
Northfield, O. 44067

To Whom It May Concern:

This is to certify that on Wed. June 24, 2015 the Chronicle-Telegram  
inserted a 5 x 20 Ad for: \$1,750<sup>00.</sup>  
entitled: Notice of Proposed Major Facility  
Circulation on that day was 20,928.

Sincerely,

Subscribe and sworn to before me this 24<sup>TH</sup> day of June, 2015

By J. Krafczynski  
(Notary Public)

My commission expires 6/26/18.



JENNIFER KRAFCZYNSKI  
NOTARY PUBLIC  
STATE OF OHIO  
Recorded in  
Lorain County  
My Comm. Exp. 6/26/18

EXHIBIT  
Applicants  
#2

## LORAIN SCHOOLS Committee head: Graham pick of board, commission

By Evan Goodnow

**LORAIN** — The chairman of the Lorain Academic District Commission said he understands why some residents want commission members supporting the hiring of Pamela Superintendent Jeffrey Graham to lead the district.

Graham is expected to be hired by the Lorain school district tonight to replace retiring Superintendent Tom Tucker. Since board member Jim Smith

### SCHOOL BOARD MEETING

WHERE: 6:00 p.m. today  
WHERE: Lorain Administration Center, Room 10, 2350 Pole Ave.  
WHO: Board members are expected to hire Pamela Superintendent Jeffrey Graham to replace retiring Superintendent Tom Tucker.

Chairman Bill Ziefel said Tuesday he understands why some residents are against the unelected commission supporting an outsider rather than Ziefel, who has worked for Lorain Schools since 1999 and been an assistant superintendent since 2011.

But Ziefel said members of the commission, which has controlled Lorain schools since a 2013 state takeover due to years of low state test scores, have the power to provide input in selecting a new superintendent as part of the takeover process.

And while commission members are in control, Ziefel said they didn't pressure elected board members to hire Graham. He said Smith is the only board member supporting that.

"I don't know what we would've done had the board gone in a completely different direction," Ziefel said. "It seemed like everyone was kind of on the same page."

Lorain and Youngstown are the only Ohio school districts in academic takeover and both are hiring superintendents for the first time while being controlled by the state.

Though it's natural for residents to resent an unelected commission controlling academics in the district, Ziefel said they should also understand the circumstances that led to the takeover. Lorain's approximately 30 percent annual dropout rate is unacceptable, and the continuing loss of students to charter schools and open enrollment is hurting Lorain enrollment to unsustainable levels.

"Children dropping out of school because we as adults aren't providing is not OK. Under any circumstances, it's not OK," he said. "We need to make whatever adjustments are necessary to graduate kids."

Ziefel said he has known Graham since Graham's 2010 hiring as superintendent in Parma where Ziefel was South Euclid-Lyndhurst Schools superintendent. Ziefel said the two were part of the First City Superintendents Coalition, an association of Cleveland-area superintendents that coordinate educational policies to better serve students.

Ziefel no longer a superintendent, also knows Graham through working part time as Educational Services Center of Cuyahoga County's director of business services. Ziefel has also dealt with Graham as Ohio Schools Council executive director and Greater Cleveland Superintendents' Association assistant director.

Nonetheless, Ziefel said his support for Graham — Woodridge superintendent from 2008-10 — was based on Graham's experience and qualifications, not his interactions with him.

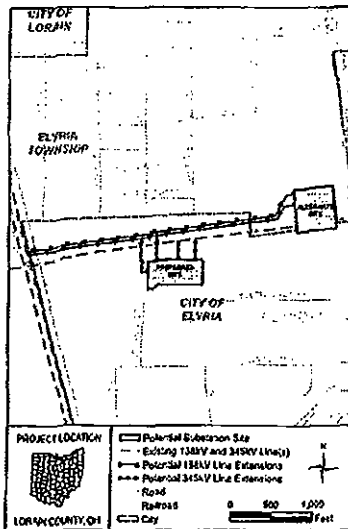
"All the commission members told Graham was the best-qualified candidate," Ziefel said. "The board kind of came to that same conclusion on their own."

Contact Evan Goodnow at 326-7779 or egoodnow@chronicle.com.

# NOTICE OF PROPOSED MAJOR UTILITY FACILITY

American Transmission Systems, Incorporated (ATS), a subsidiary of FirstEnergy Corp., proposes to construct the Lake Avenue Substation Project (Project), a new major utility facility, in an Application submitted to the Ohio Power Siting Board for a Certificate of Environmental Compatibility and Public Need. The proposed Project is located in the City of Elyria and Elyria Township in Lorain County, Ohio. The proposed Project involves installing a new electric transmission substation with 345-kilovolt (KV) to 138-KV transformation. Preferred and Alternate Sites have been proposed for the substation in the Application. The Project also includes extending the nearby 345-KV overhead electric transmission line to the new substation, extending the nearby 138-KV overhead electric transmission line to the new substation, and reconstructing nearby transmission lines. This Project and associated transmission line projects will include rebuilding existing transmission line structures and the installation of intermediate structures. The majority of new construction extends the existing circuits to the proposed Lake Avenue Substation and involves installing new, double-circuit 138-KV transmission line, primarily supported on 100-foot tall single wooden poles and 110-145 foot tall single steel poles, and new, double-circuit 345-KV transmission line, primarily supported on 115-145 foot tall single steel poles. At the Preferred Site this new construction will occur partially in new right-of-way and on land acquired for substation. At the Alternate Site, the new construction will occur in new right-of-way and on land acquired for the substation. The general locations of the Preferred and Alternate Substation Sites for the Project are shown on the accompanying map of the area.

Applications for the transmission line portions of the project associated with the Preferred Site of the Substation have been submitted separately to the Ohio Power Siting Board and have been assigned Case Numbers 15-0298-EL-BLM, 15-0404-EL-BLM and 15-0229-EL-BNR.



The following public officials and agencies have been served with copies of the Application as required by the Ohio Power Siting Board regulations:

Mr. Lori Kokosz, President, Lorain County Board of Commissioners  
Mr. James Cordes, Lorain County Administrator  
Mr. Don Romanick, Lorain County Director of Community Development  
Mr. Ron Carney, P.E., P.S., Lorain County Engineer  
Mr. William Holzman, Elyria Township Trustee  
Mr. Rick Korman, Elyria Township Trustee  
Mr. Rob Schaeffer, Elyria Township Trustee  
Mr. Robert J. Repas, Elyria Township Fiscal Officer  
Mr. Holly O'Brien, WPA, Mayor, City of Elyria  
Mr. Michael Lefko, President, City of Elyria Council  
Mr. Forrest L. Bullocks, City of Elyria Council Clerk  
Ms. Ashley Scott, City of Elyria Planner  
Mr. Timothy Urvart, P.E., P.S., City of Elyria, City Engineer

A copy of the Application is available for public inspection at the office of the Ohio Power Siting Board, c/o Public Utilities Code Division, Utilities Department, 12th Floor, Bexcon Building, 180 East Broad Street, Columbus, Ohio 43215-3793, www.ohpsb.ohio.gov. A copy of the Application was also sent to the following libraries:

Main Library, Lorain Public Library, 351 West Sixth Street, Lorain, Ohio 44092  
South Lorain Branch, Lorain Public Library, 2121 Homewood Drive, Lorain, Ohio 44095  
West River Branch Library, Elyria Public Library, 1184 West River Road N. Elyria, OH 44095

Application for a certificate to construct, operate, and maintain the above named electric substation is now pending before the Board. The Application has been assigned Case No. 14-2182-EL-B3B, and the case number should be referenced in all communications about the proceeding.

In accordance with the Ohio Power Siting Board regulations (Admin. Code Rule 4906-5-09), the following sections of the Ohio Revised Code plus additional information are shown.

### Section 4906.10(A)

(A) The Power Siting Board shall render a decision upon the record after granting or denying the Application as filed, or granting it upon such terms, conditions, or modifications of the construction, operation, or maintenance of the major utility facility as the Board

considers appropriate. The certificate shall be conditioned upon the facility being in compliance with standards and rules adopted under sections 1501.33, 1501.34, and 4561.32 and Chapters 3704, 3734, and 6111 of the Revised Code. The period of initial operation under a certificate shall expire two years after the date on which electric power is first generated by the facility. During the period of initial operation, the facility shall be subject to the enforcement and monitoring powers of the director of environmental protection under Chapters 3704, 3734, and 6111 of the Revised Code and to the emergency provisions under those chapters. If a major utility facility constructed in accordance with the terms and conditions of its certificate is unable to operate in compliance with all applicable requirements of state laws, rules, and standards pertaining to air pollution, the facility may apply to the Director of Environmental Protection for a conditional operating permit under division (G) of section 3704.03 of the Revised Code and the rules adopted thereunder. The operation of a major utility facility in compliance with a conditional operating permit is not in violation of its certificate. After the expiration of the period of initial operation of a major utility facility, the facility shall be under the jurisdiction of the Environmental Protection Agency and shall comply with all laws, rules, and standards pertaining to air pollution, water pollution, and solid and hazardous waste disposal.

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 is an electric transmission line or gas or natural gas transmission line;
- (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 the case of an electric transmission line or generating facility, that the 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 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 Office of Aviation of the Division of Multi-modal Planning and Programs 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) to (6) of this section and rules adopted under those divisions, what its impact will be on the viability as agricultural land of any land in an existing Agricultural district established under Chapter 829 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;
- (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.

### Section 4906.07. Public hearing on application

(A) Upon the receipt of an application complying with section 4906.06 of the Revised Code, the Power Siting Board shall promptly fix a date for a public hearing thereon, not less than sixty nor more than ninety days after such receipt, and shall conduct the proceeding as expeditiously as practicable.

(B) On an application for an amendment of a certificate, the Board shall hold a hearing in the same manner as a hearing is held on an application for a certificate if the proposed change in the facility would result in any material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of such facility other than as provided in the alternatives set forth in the application.

(C) The Chairman of the Power Siting Board shall cause each application filed with the Board to be investigated and shall, not less than fifteen days prior to the date any application is set for hearing, submit a written report to the Board and to the applicant. A copy of such report shall be made available to any person upon request. Such report shall set forth the nature of the investigation, and shall contain recommended findings with regard to division (A) of section 4906.10 of the Revised Code and shall become part of the record and served upon all parties to the proceeding.

As scheduled by the Board, the public hearing of this case consists of two parts:

A. A local public hearing, pursuant to Section 4906.08(C), Revised Code, where the Board shall accept written or oral testimony from any person on August 12, 2015, at 8:00 p.m., at the Splizer Conference Center, Room 117, Lorain County Community College, Main Campus, 1605 North Abbe Road, Elyria, Ohio 44035.

B. An adjudicatory hearing commencing on August 26, 2015, at 10:00 a.m., in Hearing Room 11-C, at the office of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.

### 4906.18(D). Parties — testimony

(D) The Board shall accept written or oral testimony from any person at the public hearing, but the right to call and examine witnesses shall be reserved for parties. However, the Board may adopt rules to exclude repetitive, immaterial, or irrelevant testimony.

### Intervention

Petitions to intervene in the adjudicatory hearing will be accepted by the Board up to 30 days following publication of the notice required by Ohio Administrative Code 4906-5-09(C)(1), or by July 13, 2015, whichever is later. However, the Board shall not encourage interested persons who wish to intervene in the adjudicatory hearing to file their petitions as early as possible. Petitions should be addressed to the Ohio Power Siting Board, 180 East Broad Street, Columbus, Ohio 43215-3793 and cite the above-captioned case number. (Case No. 14-2182-EL-B3B).

# AFFIDAVIT OF PUBLICATION

The Morning Journal

1657 Broadway Avenue  
Lorain, Ohio 44052 • (440) 245-6901

STATE OF OHIO, Lorain County, ss.

I, Darlene Smith of THE MORNING JOURNAL, (a newspaper printed in said County, and in general circulation therein and meeting the requirements of Section 7.12 of the Revised Code as amended, effective September 12, 1957.) being duly sworn, do upon oath, depose and say that the annexed advertisement was published in said newspaper.

## First Energy Media

Published in the following edition(s):

The Morning Journal \_\_\_\_\_ 06/24/15  
morningjournal.com \_\_\_\_\_ 06/24/15  
morningjournal.com \_\_\_\_\_ 06/24/15

Sworn to the subscribed before me this .

Darlene Smith  
Darlene Smith

Cindy L. Knudsen  
Notary Public, State of Ohio - Acting in Lorain County



CINDY L. KNUDSEN  
Notary Public State of Ohio  
My Commission Expires  
May 23, 2017

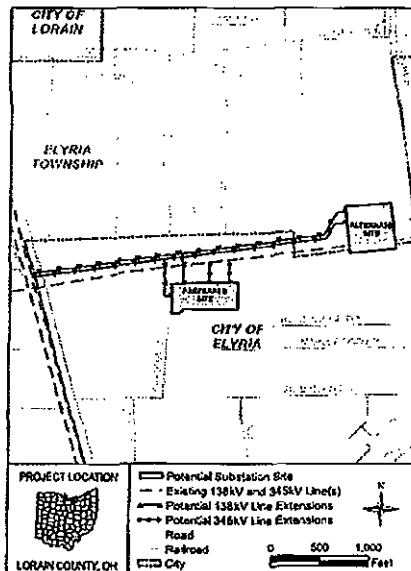
## Advertisement Information

Client Id:	54921	Ad Id:	652584
Class:	0	PO:	
Total Units:	1080	Cost:	
Sort Description:	Main IO 6934 Lake Ave		

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Mr. Don Romanek, Lorain County Director of Community Development  
Mr. Ken Gurney, P.E., P.S., Lorain County Engineer  
Mr. William Holtzman, Elyria Township Trustee  
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Mr. Rob Schelthauer, Elyria Township Trustee  
Mr. Robert J. Repas, Elyria Township Fiscal Officer  
Ms. Holly C Brinda, MPA, Mayor, City of Elyria  
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- (6) That the facility will serve the public interest, convenience, and necessity;
- (7) In addition to the provisions contained in divisions (A)(1) to (6) of this section and rules adopted under those divisions, what its impact will be on the viability as agricultural land of any land in an existing agricultural district established under Chapter 329 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.
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## Section 4906.07. Public hearing on application

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(B) On an application for an amendment of a certificate, the Board shall hold a hearing in the same manner as a hearing is held on an application for a certificate if the proposed change in the facility would result in any material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of such facility other than as provided in the alternatives set forth in the application.

(C) The Chairman of the Power Siting Board shall cause each application filed with the Board to be investigated and shall, not less than fifteen days prior to the date any application is set for hearing submit a written report to the board and to the applicant. A copy of such report shall be made available to any person upon request. Such report shall set forth the nature of the investigation, and shall contain recommended findings with regard to division (A) of section 4906.10 of the Revised Code and shall become part of the record and served upon all parties to the proceeding.

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B. An adjudicatory hearing commencing on August 26, 2015, at 10:00 a.m., in Hearing Room 11-C, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.

## 4906.08(C). Parties – testimony

(C) The Board shall accept written or oral testimony from any person at the public hearing, but the right to call and examine witnesses shall be reserved for parties. However, the Board may adopt rules to exclude repetitive, immaterial, or irrelevant testimony.

## Intervention

Petitions to intervene in the adjudicatory hearing will be accepted by the Board up to 30 days following publication of the notice required by Ohio Adm. Code 4906-5-08(O)(1), or by July 13, 2015, whichever is later. However, the Board strongly encourages interested persons who wish to intervene in the adjudicatory hearing to file their petitions as early as possible. Petitions should be addressed to the Ohio Power Siting Board, 180 East Broad Street, Columbus, Ohio 43215-3793 and cite the above-listed case number. (Case No. 14-2162-EL-BSB).

# THE CHRONICLE TELEGRAM

PUBLISHED BY  
The Lorain County Printing & Publishing Co.  
225 EAST AVENUE • P.O. BOX 4010 • ELYRIA, OHIO 44036

July 29, 2015  
Kathy Alexander  
First Energy Media  
9183 Breckinridge Dr.  
Northfield, Ohio 44067

To Whom It May Concern:

This is to certify that on Wed, July 29, 2015 the Chronicle-Telegram  
inserted a 3x17 Ad for: \$ 892.50  
entitled: Notice of Proposed Major Facility  
Circulation on that day was 20,810.

Sincerely,

Subscribe and sworn to before me this 29<sup>th</sup> day of July, 2015

By J. Krafczynski  
(Notary Public)  
My commission expires 6/26/18.



JENNIFER KRAFCZYNSKI  
NOTARY PUBLIC  
STATE OF OHIO  
Recorded in  
Lorain County  
My Comm. Exp. 6/26/18

## ROUNDUP

## Prison worker guilty of role in escape plot

PLATTSBURGH, N.Y. — A prison worker who was "in over her head" with two inmates convicted of murder Tuesday to charges of aiding them by smuggling hacksaw blades and other tools to the jails who broke out and spent three weeks on the run.

Joyce Mitchell, an instructor in the tailor shop at the Clinton Correctional Facility in upstate New York, wore shackles and prison stripes as she entered the pleas in a barely audible voice.

Afterward, her lawyer, Stephen Johnston, said she realized she made a "horrible mistake" by getting involved with Richard Matt and David Sweat, who staged an elaborate escape from the maximum-security prison June 6.

## Authorities to release 911 tape in killings

TULSA, Okla. — An Oklahoma city reversed course Tuesday and said it would release a recording of the 911 call made from a Broken Arrow home where a couple and three of their children were stabbed to death last week.

Broken Arrow City Attorney Beth Anne Wilkerson said in a statement that investigators would provide the audio to the media next Tuesday.

Authorities initially said the call, described by Broken Arrow police Sgt. Thomas Cooper as "gruesome," would be released Monday, but an assistant to the city attorney then indicated that it wouldn't be because it's part of the investigation into the deaths of five members of the Beaver family.

The killings of David Beaver, 52, his wife, April Beaver, 44, and their children, Daniel Beaver, 12, Christopher Beaver, 7, and Victoria Beaver, 5, have been classified as homicides, said Amy Elliott, a spokeswoman for the Oklahoma medical examiner's office.

Robert Beaver, 18, is accused in a booking document of five counts of first-degree murder and a count of aggravated assault in the attack Wednesday. Prosecutors say they also plan to charge Robert Beaver's 16-year-old brother as an adult in connection with the slayings.

## Boat of missing boys found capsized

TEQUESTA, Fla. — The Coast Guard said a boat belonging to two missing 14-year-old fishermen has been found off Florida's Atlantic coast but neither boy was in or around the boat.

Petty Officer Steve Lehmann said the boat was found Sunday about 87 miles off Ponce de Leon Inlet in Volusia County.

According to the South Florida Sun Sentinel, Carly Black, the mother of Austin Stephanos, said, "We are going to find them today. We are going to bring them home."

Perry Cohen and Austin Stephanos were last seen Friday in the Jupiter area buying fuel for their 10-foot boat.

The boat will be anchored in place while search-and-rescue efforts continue. Lehmann said the Coast Guard is recalculating its search plans based on the boat's location.

The families of the teens are offering a \$100,000 reward in the search.

## Details in death of Calif. girl emerge

Police in Santa Cruz, Calif., revealed new details about the slaying of an 8-year-old girl, allegedly at the hands of her teenage neighbor.

Madyson "Maddy" Middleton was lured by a 15-year-old boy, who lived in the same apartment complex, into his parent's apartment, where she was murdered, Santa Cruz Police Chief Kevin Vogel said Tuesday at a news conference.

The boy then carried Madyson's body downstairs, placed her body in a blue recycling bin and concealed her, he said.

Madyson was last seen about 5:05 p.m. Sunday on surveillance footage video, riding a white Razor scooter at the 8.5-acre ariat complex on River Street. Her disappearance prompted a search.

—from wire reports

## Spy to be released after 30 years

Eric Tucker  
The Associated Press

WASHINGTON — Jonathan Pollard, the former Navy intelligence analyst whose conviction of spying for Israel stoked fierce international passions, has been granted parole and will be released from prison in November after nearly 30 years.

The decision to free Pollard from his life sentence, announced Tuesday by his lawyers and then confirmed by the Justice Department, caps an extraordinary espionage case that spurred decades of legal and diplomatic wrangling. Critics have condemned the American as a traitor who betrayed his country for money and disclosed damaging secrets, while supporters have argued that he was punished excessively given that he spied for a U.S. ally.

Pollard is due to be released Nov. 21, three decades after he was arrested while trying to gain asylum at the Israeli Embassy in Washington. Though American Jews have wrestled with how much leniency he



Pollard

should get, Israelis have long campaigned for his freedom. The government there has recognized him as an Israeli agent and granted him citizenship, even as recent American presidents have resisted efforts to free him early.

"We are looking forward to his release," Prime Minister Benjamin Netanyahu said Tuesday.

White House officials strongly denied that the release was in any way tied to the nuclear deal recently reached with Iran, or that it was intended as a concession to Israel. Secretary of State John Kerry, who testified before Congress on the nuclear deal on Tuesday, told reporters Pollard's parole was "not at all" connected. And Israeli officials have said that while they would welcome the release, it would not ease their opposition to the Iran agreement.

The U.S. had previously dangled the prospect of his release, including during Israel-Palestinian talks

last year, when the Obama administration considered the possibility of freeing Pollard early as part of a package of incentives to keep Israel at the negotiating table.

The Justice Department, for its part, noted that federal sentencing rules in place at the time of Pollard's prosecution entitled him to parole after serving 30 years of his life sentence.

Department lawyers did not contest his parole bid, which was granted following a hearing this month before the U.S. Parole Commission that took into account Pollard's behavior in prison and whether he was likely to commit new crimes.

Though parolees are required for five years after their release to get government permission for foreign travel, Pollard's lawyers say they intend to ask President Barack Obama to grant him clemency as well as authority to leave the United States and move to Israel immediately.

But the White House quickly shot down that prospect.

## GOP concedes highway deal short-term fix

The Associated Press

WASHINGTON — House and Senate Republicans acknowledged Tuesday a long-term highway deal is out of reach for now, and embraced a three-month extension that will punt yet another fight into the fall.

"This three-month extension represents the compromise that allows the House to pass a bill," said U.S. Rep. Bill Shuster, R-Pa., chairman of the House Transportation and Infrastructure Committee, as House leaders retreated on plans for a five-month bill they hoped the Senate would go along with.

Across the Capitol, Senate Republicans similarly backed off hopes that the House would embrace their bill, a six-year rewrite with funding for three of those years, even as they continued trying to move it toward final passage. Instead they held out hope that passing the three-month bill could allow the chambers to come together on a long-term deal in the fall.

It will "hopefully be the last short-term extension in a long time," said U.S. Sen. Roy Blunt, R-Mo.

The House hopes to pass the legislation today, in time to forestall a Friday cutoff of transportation funding to states, and then leave on an annual five-week summer recess.

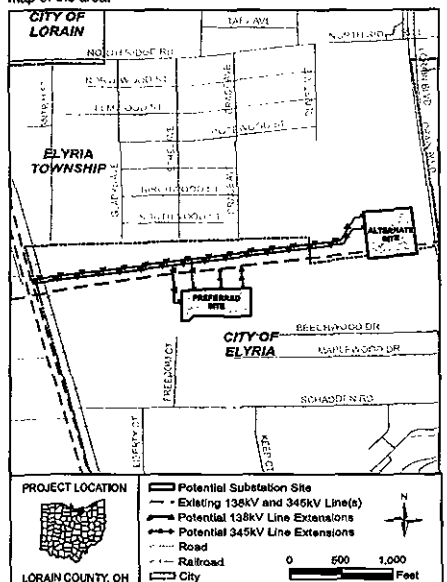
It would be the 34th short-term transportation extension passed by Congress since 2009. The bill would extend government authority for transportation programs through Oct. 23 while replenishing the federal Highway Trust Fund.

At the same time the extension sets up another potential standoff over transportation for the fall, a timeframe that already has all the makings for a major showdown between congressional Republicans and the White House over government spending levels and other issues, with a government shutdown threatening. If a resolution is not reached.

## NOTICE OF PROPOSED MAJOR UTILITY FACILITY

American Transmission Systems, Incorporated (ATSI), a subsidiary of FirstEnergy Corp., proposes to construct the Lake Avenue Substation ("Project"), a new major utility facility, in an Application submitted to the Ohio Power Siting Board for a Certificate of Environmental Compatibility and Public Need. The proposed Project is located in the City of Elyria and Elyria Township in Lorain County, Ohio. The proposed Project involves installing a new electric transmission substation with 345-kV to 138-kV transformation. Preferred and Alternate Sites have been proposed for the substation in the Application. The Project also includes extending the nearby 345-kV overhead electric transmission line to the new substation, extending the nearby 138-kV overhead electric transmission line to the new substation, and reconductoring nearby transmission lines. The transmission line projects associated with the installation of the new substation have been proposed to in separate submittals to the Ohio Power Siting Board.

This Project and associated transmission line projects will include the installation of the new substation, rebuilding existing transmission line structures and the installing new intermediate structures. The majority of new construction involves the construction of the substation and installing new, double-circuit 138-kV transmission line, primarily supported on 75-100 foot tall single wooden poles and 110-145 foot tall single steel poles, and new, double-circuit 345-kV transmission line, primarily supported on 115-145 foot tall single steel poles. At the Preferred Site this new construction will occur partially in new right-of-way and on land acquired for substation. At the Alternate Site, the new construction will occur in new right-of-way and on land acquired for the substation. The general locations of the Preferred and Alternate Substation Sites for the Project, as well as the transmission line projects for the Preferred site, are shown on the accompanying map of the area.



As scheduled by Ohio Power Siting Board, the public hearing of this case consists of two parts:

A. A local public hearing, pursuant to Section 4906.08(C), Revised Code, where the Board shall accept written or oral testimony from any person on August 12, 2015, at 6:00 p.m., at the Spitzer Conference Center, Room 117, Lorain County Community College, Main Campus, 1005 North Abbe Road, Elyria, Ohio 44035.

B. An adjudicatory hearing commencing on August 26, 2015, at 10:00 a.m., in Hearing Room 11-C, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.

## 4906.08(C). Parties - testimony

(C) The Board shall accept written or oral testimony from any person at the public hearing, but the right to call and examine witnesses shall be reserved for parties. However, the Board may adopt rules to exclude repetitive, immaterial, or irrelevant testimony.

This marks the second public notice regarding public hearings for the Project. The first notice was published in local newspapers on June 24, 2015.

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# AFFIDAVIT OF PUBLICATION

The Morning Journal

1657 Broadway Avenue  
Lorain, Ohio 44052 • (440) 245-6901

STATE OF OHIO, Lorain County, ss.

I, Darlene Smith of THE MORNING JOURNAL, (a newspaper printed in said County, and in general circulation therein and meeting the requirements of Section 7.12 of the Revised Code as amended, effective September 12, 1957.) being duly sworn, do upon oath, depose and say that the annexed advertisement was published in said newspaper.

**First Energy Media**

Published in the following edition(s):

The Morning Journal \_\_\_\_\_ 07/29/15  
morningjournal.com \_\_\_\_\_ 07/29/15  
morningjournal.com \_\_\_\_\_ 07/29/15

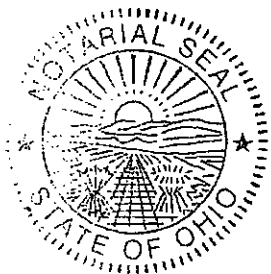
Sworn to the subscribed before me this .

Darlene Smith

Darlene Smith

Cindy L. Knudsen

Notary Public, State of Ohio - Acting in Lorain County



CINDY L. KNUDSEN  
Notary Public State of Ohio  
My Commission Expires  
May 23, 2017

## Advertisement Information

Client Id:	54921	Ad Id:	688057
Class:	0	PO:	
Total Units:	459	Cost:	
Sort Description:	Main: Lake Ave Sub IO6987		



## Urban Meyer celebrated in butter

COLUMBUS — Winning another national championship has made Urban Meyer a butter man.

The Ohio State University football coach and Buckeyes mascot Brutus are being honored with butter sculptures at this year's Ohio State Fair, which opens Wednesday in Columbus.

The life-size sculptures are joining the traditional butter cow and calf in a 46-degree cooler in the American Dairy Association display. There's also a national championship trophy and two Buckeyes football helmets. All made out of butter. About 2,000 pounds of it.

The display required about 500 hours of work. Wooden and steel frames were built to support the weight of the butter, which was sliced from 55-pound blocks. The butter was sculpted inside the chilly cooler.

The university says Meyer was unable to attend the Tuesday unveiling.

## Diversity training for Sheriff's employees

DAYTON — At 450 employees of the Montgomery County

Sheriff's office in southwest Ohio are given diversity training after two employees were fired and another three were placed on leave for sending racist text messages.

The Dayton Daily News reports Monday's diversity training was the first time all employees were brought together for such an exercise in 10 years.

Capt. Thomas Randers and Det. Michael Sollenberger, both white officers, were fired in February for allegedly sending racist insensitive texts that disparaged black co-workers, President Obama and others. Randers and Sollenberger have denied the charges.

Sheriff Phil Plummer said the firings sparked conversation that led to the training. He says he was keeping an open dialogue between police and local leaders on the issue.

## Ohio ex-lawmaker considering options

PORT CLINTON — A former northern Ohio lawmaker who was convicted of theft and consequently removed from office immediately says he's disappointed in the verdict and will consider his legal options.

Republican Steve Kraus of Sandusky was accused of stealing antiques and other items from a home while doing work as an auctioneer. He was convicted Monday on a theft charge but acquitted on a breaking and entering charge. A burglary count was dismissed earlier.

His attorney told reporters the case isn't over, but he didn't provide details or confirm whether an appeal is planned.

Kraus has maintained his innocence. His attorney has said Kraus took items from a Port Clinton home to inventory them for auction at a real estate agent's request.

Kraus' sentencing is scheduled for Aug. 21.

## Family of golf great accused of \$1M theft

CLEVELAND — Authorities say the son and endaughter-in-law of the late black golfing pioneer Charlie Sifford have been indicted on charges related to the theft of more than \$1 million from him.

Craig and Sandra Sifford were charged Tuesday with theft, money laundering and unauthorized use of property. Both are 48. The Cuyahoga County prosecutor's office says they spent Sifford's money on travel, dining, clothes, jewelry and kidnapping.

The prosecutor's office says an investigation into the thefts was ongoing when Sifford died Feb. 3 at age 92. Authorities had received a complaint that Craig Sifford was abusing a power of attorney for his father. It's unclear if they have attorneys. Sifford made history as the first black golfer to earn full-time playing privileges on the PGA Tour in 1961.

## Fatality

From Page A1

11-year-old nephew were found alive, but were seriously injured. Both were transported to University Hospitals Amherst Health Center.

Authorities stated that Majkut's other child — a 5-month-old boy — also was found and taken to Mercy. The child was later flown to McVeeHealth in Cleveland in serious condition.

Majkut was pronounced dead at the scene, Smith said. Young suffered minor injuries. After a search of the vehicle,

police stated that they located a small amount of marijuana in Young's car.

In May 2014, Young was charged with OVI, spending and possession of marijuana, according to Oberlin Municipal Court records. Records show she served three days in jail and was then given a suspended sentence for her first offense.

Young was placed under the condition of monitored time — meaning if a similar incident occurred within her probation period, she could land back in court. She also was ordered to attend a 72-hour

driver intervention program for the OVI offense, records stated.

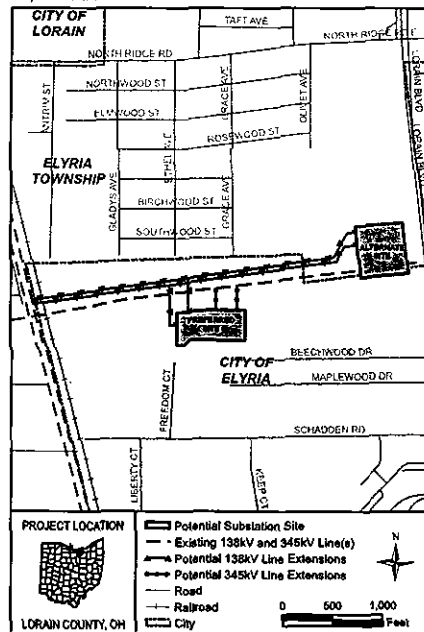
Thompson said the cause of the crash is under investigation and are unable to comment on whether speed, drugs or alcohol were a contributing factor in the incident.

"It's still early in the investigation, we don't know exactly what the cause of the crash was at this time," Smith said. However, authorities did state they have charges pending against Young, but are waiting until tests come back before releasing specific information regarding them.

# NOTICE OF PROPOSED MAJOR UTILITY FACILITY

American Transmission Systems, Incorporated (ATSI), a subsidiary of FirstEnergy Corp., proposes to construct the Lake Avenue Substation Project ("Project"), a new major utility facility, in an Application submitted to the Ohio Power Siting Board for a Certificate of Environmental Compatibility and Public Need. The proposed Project is located in the City of Elyria and Elyria Township in Lorain County, Ohio. The proposed Project involves installing a new electric transmission substation with 345-kV to 138-kV transformation. Preferred and Alternate Sites have been proposed for the substation in the Application. The Project also includes extending the nearby 345-kV overhead electric transmission line to the new substation, extending the nearby 138-kV overhead electric transmission line to the new substation, and reconductoring nearby transmission lines. The transmission line projects associated with the installation of the new substation have been proposed to in separate submittals to the Ohio Power Siting Board.

This Project and associated transmission line projects will include the installation of the new substation, rebuilding existing transmission line structures and the installing new intermediate structures. The majority of new construction involves the construction of the substation and installing new, double-circuit 138-kV transmission line, primarily supported on 75-100 foot tall single wooden poles and 110-145 foot tall single steel poles, and new, double-circuit 345-kV transmission line, primarily supported on 115-145 foot tall single steel poles. At the Preferred Site this new construction will occur partially in new right-of-way and on land acquired for substation. At the Alternate Site, the new construction will occur in new right-of-way and on land acquired for the substation. The general locations of the Preferred and Alternate Substation Sites for the Project, as well as the transmission line projects for the Preferred Site, are shown on the accompanying map of the area.



As scheduled by Ohio Power Siting Board, the public hearing of this case consists of two parts:

A. A local public hearing, pursuant to Section 4906.08(C), Revised Code, where the Board shall accept written or oral testimony from any person on August 12, 2015, at 6:00 p.m., at the Spitzer Conference Center, Room 117, Lorain County Community College, Main Campus, 1005 North Abbe Road, Elyria, Ohio 44035.

B. An adjudicatory hearing commencing on August 26, 2015, at 10:00 a.m., in Hearing Room 11-C, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.

## 4906.08(C) Parties – testimony

(C) The Board shall accept written or oral testimony from any person at the public hearing, but the right to call and examine witnesses shall be reserved for parties. However, the Board may adopt rules to exclude repetitive, immaterial, or irrelevant testimony.

This marks the second public notice regarding public hearings for the Project. The first notice was published in local newspapers on June 24, 2015.

## Vigil

From Page A1

the search for this young boy, was humbling," he said prior to the vigil. "I cannot describe how truly proud I am of our community and safety forces that immediately united in the search for Sidney."

The city received help in searching for Sidney from police and fire departments from as far away as Richfield, Ohio; the Lorain County Sheriff's Office; Cuyahoga County Sheriff's Office; FBI; US Coast Guard; US Border Patrol; and Ohio Highway Patrol, he said.

Mike Evans, of Elyria, said he was involved in the search with Homeland Security and Emergency Management Agency.

Evans attended the vigil with his fiancée, Katie Bryant.

"I have a nephew that's bipolar, so anything like that with a disability, it hits closer to the heart than normal," he said.

Shawn Skolyak was in attendance with his girlfriend, Breanna Crowe; their 7-month-old daughter, Arianna Skolyak; and their friend, Cassie Ulline.

He said they joined the search for Sidney minutes after the boy was reported

missing.

They stayed out until about 3:30 a.m. and came back the next day to continue the search.

He said he has never seen the people of Sheffield Lake come together the way they did over the weekend, and Breanna Skolyak agreed.

"It's definitely unfortunate the way we came together, but we still came together," she said.

A *Cumtude* page was also set up for the family of Sidney. The page, called "For sweet Sidney," was set up by a friend of Sidney's mother and is still accepting donations at <http://www.gofundme.com/6xf78b774g>.

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August 24, 2015

Ms. Barcy F. McNeal, Secretary  
Docketing Division, 11th Floor  
Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, OH 43215

RE: Notice of Mailing Property Owner Letters  
Lake Avenue Substation Project

Dear Ms. McNeal:

Pursuant Admin. Code Rule 4906-5-08(C)(3), enclosed is a copy of the list of property owners who were mailed a copy of the notice letter for this Project required by the Board. A copy of each letter is also included for the Board's reference. If you have any questions or require further information, please do not hesitate to contact me.

Very truly yours,



Robert J. Schmidt, Jr.  
Counsel for Applicant  
*American Transmission Systems, Incorporated*

COLUMBUS/1778813v.1

**Lake Avenue Substation Project  
Property Owners to Be Served a Copy of a Notice**

Mr. Austin Stanley  
21 Lambeth Loop,  
Fairport, NY 14450  
(Parcels № 0622017106001;  
0622017106002; 0622017106010;  
0622017106011; 0622017106012;  
0622017106013)

Austin Stan & Char  
6277 Murphy Dr.  
Victor, NY 14564  
(Parcels № 0622017106001;  
0622017106002; 0622017106010;  
0622017106011; 0622017106012;  
0622017106013)

CSX Transportation Inc Tax Dept C910  
500 Water Street,  
Jacksonville, FL 32202  
(Parcel № 0623008500019)

Ms. Friesner Sandra J  
41494 Beechwood Dr  
Elyria, OH 44035  
(Parcels № 0623012101001;  
0623012101002; 0623012101003;  
0623012101004; 0623012101005)

Igoe Robert & Dolores M  
99 Freedom Ct.  
Elyria, OH 44035  
(Parcel № 0623008106030)

Mr. Kaczay Kenneth  
5303 Barkwood Dr.  
Sheffield Village, OH 44054  
(Parcels № 0622017106003;  
0622017106004; 0622017106005;  
0622017110001; 0622017110002;  
0622017110003; 0622017110004;  
0622017110005; 0622017110006;  
0622017110007; 0622017110008;  
0622017110009)

Mr. Knisley Jon  
4569 Clifton Ave.  
Lorain, OH 44055  
(Parcels № 0622017110010;  
0622017110011; 0622017110012;  
0622017110013; 0622017110014;  
0622017110015; 0622017110016;  
0622017110017; 0622017110018)

Konowal Antoinette D &  
Nicholas A Urban III  
3703 Amherst Ave  
Lorain, OH 44052  
(Parcels № 0622017106014;  
0622017106015; 0622017106016;  
0622017106017)

Konowal Antoinette D &  
Nicholas A Urban III  
1040 29<sup>th</sup> Street W  
Lorain, OH 44052  
(Parcels № 0622017106014;  
0622017106015; 0622017106016;  
0622017106017)

Lake Shore Railway Association Inc.  
PO Box 1131  
Elyria, OH 44035  
(Parcel № 0622020108005)

Mr. Robert P. Graham  
Logos Properties LLC  
445 Griswold Rd  
Elyria, OH 44035  
(Parcel № 0622016000009)

Mr. Robert P. Graham  
Logos Properties LLC  
150 Freedom Ct  
Elyria, OH 44035  
(Parcel № 0622016000009)

Norfolk & Western RR  
Norfolk Southern Corporation  
110 Franklin Rd SE  
Roanoke, VA 24042-0028  
(Parcel № 0622015501007;  
0622016501001; 0622016501002)

Mr. Perry James  
6293 Antrim Road  
Elyria, OH 44035  
(Parcel № 0622017102024)

Ms. Popil Veronica  
800 Brick Mill Run #301  
Westlake, OH 44145  
(Parcel № 0622017102025)

Quarry Development Inc.  
6920 West Ridge Rd  
Lorain, OH 44053  
(Parcels № 0622015101002;  
0622015101003; 0622017111002;  
0622017111003; 0622017111004;  
0622014101001; 0622014101002;  
0622014101003)

Mr. Hugh O'Donnel,  
Operations Manager  
HGN Realty  
164 Freedom Ct  
Elyria, OH 44035  
(Parcel № 0622016000004)

Mr. Hugh O'Donnel,  
Operations Manager  
Shalmet Corporation  
116 Pinedale Industrial  
Orwigsburg, PA 17961  
(Parcel № 0622016000004)

Mr. Ritenour Reid D Jr.  
6195 Antrim Road  
Elyria, OH 44035  
(Parcels № 0622017106006;  
0622017106007; 0622017106008;  
0622017106009)

Ms. Smith Carole  
6290 Antrim Road  
Elyria, OH 44035  
(Parcel № 0622017101022)

Ms. Wood Kimberly  
41446 Beechwood Dr  
Elyria, OH 44035  
(Parcels № 0623012101006;  
0623012101007)



July 6, 2015

Igoe Robert & Dolores M  
99 Freedom Ct.  
Elyria, OH 44035  
(Parcel № 0623008106030)

**Lake Avenue Substation Project**  
**Application for Certificate of Environmental Compatibility and Public Need**  
**OPSB Case No. 14-2162-EL-BSB**

Dear Mr. and Ms. Igoe,

American Transmission Systems, Incorporated (ATSI), a FirstEnergy company, is proposing to construct the Lake Avenue Substation Project ("Project"). This letter briefly describes the Project, the Ohio Power Siting Board (OPSB) certification process and provides you with notice of the date, time and location of an upcoming public hearing on the Project.

The proposed Lake Avenue Substation Project involves installing a new 345 kV to 138 kV transmission substation. The proposal, which has been submitted to the OPSB for review, includes information on a preferred and alternate site for the Project. Both sites are located in the City of Elyria and Elyria Township in Lorain County, Ohio. With the construction of the proposed substation, it will also be necessary to extend the nearby Black River-Johnson 138 kV Transmission Line and the Avon-Beaver 345 kV Transmission Line to the new substation. The attached map shows both the preferred and alternate sites proposed for the substation and the proposed routes of the extended transmission lines to the preferred site.

The proposed Lake Avenue Substation Project and the extension of the Avon-Beaver 345 kV and Black River-Johnson 138 kV transmission lines to the substation are needed to improve the electric transmission system in the greater Lorain area by providing greater support for the existing and project load in the area, which in turn will ensure that the area has reliable transmission service for all industrial, commercial and residential customers.

In order to construct, operate and maintain the Project, ATSI must submit an application to and obtain approval from the OPSB. For new substations, the OPSB requires an applicant to submit information on both a preferred and alternate site. The OPSB is legally obligated review the application and consider many aspects of the Project, including, whether or not a project is needed and if so, which proposed site has the fewest impacts. The OPSB approval is provided in the form of a Certificate of Environmental Compatibility and Public Need.

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A copy of the application for the Project as well as copies of the Construction Notice and Letter of Notification, have been provided for public review at the West River Branch Library-Elyria Public Library, 1194 West River Road N, Elyria, OH 44035, and the South Lorain Branch-Lorain Public Library, 2121 Homewood Drive, Lorain, OH 44035.

Section 4906-5-08(B)(3) of the Ohio Administrative Code requires ATSI to send a letter describing the facility to each property owner within the planned site or route of the proposed facility and to each property owner who may be approached by the applicant for any additional easement necessary for the construction, operation, or maintenance of the facility at least thirty days before the public hearing scheduled by the OPSB. This letter is being sent to you as a property owner with a parcel on or near the Project area. The parcel number(s) ATSI has identified for purpose of this Notice are indicated above.

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If you have questions regarding this project, you may contact us through a toll-free information line at 1-800-589-2837, or directly by contacting Ms. Nataliya Bryksenkova at (330) 761-4473.

Sincerely,



Nataliya Bryksenkova,  
Engineer  
FirstEnergy Service Company

Attachment

July 6, 2015

Mr. Kaczay Kenneth  
5303 Barkwood Dr.  
Sheffield Village, OH 44054  
(Parcels № 0622017106003; 0622017106004; 0622017106005;  
0622017110001; 0622017110002; 0622017110003;  
0622017110004; 0622017110005; 0622017110006;  
0622017110007; 0622017110008; 0622017110009)

**Lake Avenue Substation Project**  
**Application for Certificate of Environmental Compatibility and Public Need**  
**OPSB Case No. 14-2162-EL-BSB**

Dear Mr. Kaczay,

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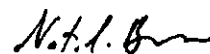
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Sincerely,



Nataliya Bryksenkova,  
Engineer  
FirstEnergy Service Company

Attachment



July 6, 2015

Mr. Knisley Jon  
4569 Clifton Ave.  
Lorain, OH 44055  
(Parcels № 0622017110010; 0622017110011; 0622017110012;  
0622017110013; 0622017110014; 0622017110015;  
0622017110016; 0622017110017; 0622017110018)

**Lake Avenue Substation Project**  
**Application for Certificate of Environmental Compatibility and Public Need**  
**OPSB Case No. 14-2162-EL-BSB**

Dear Mr. Knisley,

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Sincerely,



Nataliya Bryksenkova,  
Engineer  
FirstEnergy Service Company

Attachment



July 6, 2015

Mr. Austin Stanley  
21 Lambeth Loop  
Fairport, NY 14450  
(Parcels № 0622017106001; 0622017106002;  
0622017106010; 0622017106011;  
0622017106012; 0622017106013)

**Lake Avenue Substation Project**  
**Application for Certificate of Environmental Compatibility and Public Need**  
**OPSB Case No. 14-2162-EL-BSB**

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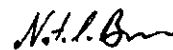
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Sincerely,



Nataliya Bryksenkova,  
Engineer  
FirstEnergy Service Company

Attachment

July 6, 2015

Austin Stan & Char  
6277 Murphy Dr.  
Victor, NY 14564  
(Parcels № 0622017106001; 0622017106002;  
0622017106010; 0622017106011;  
0622017106012; 0622017106013)

**Lake Avenue Substation Project**  
**Application for Certificate of Environmental Compatibility and Public Need**  
**OPSB Case No. 14-2162-EL-BSB**

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Sincerely,



Nataliya Bryksenkova,  
Engineer  
FirstEnergy Service Company

Attachment



76 South Main Street  
Akron, Ohio 44308

1-800-646-0400

July 6, 2015

CSX Transportation Inc Tax Dept C910  
500 Water Street,  
Jacksonville, FL 32202  
(Parcel № 0623008500019)

**Lake Avenue Substation Project**  
**Application for Certificate of Environmental Compatibility and Public Need**  
**OPSB Case No. 14-2162-EL-BSB**

To Whom It May Concern,

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- F. An adjudicatory hearing commencing on Wednesday August 26, 2015, at 10:00 a.m., in Hearing Room 11-C, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.

The OPSB will issue a final decision on the application submitted for the Lake Avenue Substation after the conclusion of the hearings. If the OPSB approves the project, construction of the Project is tentatively scheduled to begin in October 2015. FirstEnergy representatives will contact property owners prior to starting any construction work on their property.

If you have questions regarding this project, you may contact us through a toll-free information line at 1-800-589-2837, or directly by contacting Ms. Nataliya Bryksenkova at (330) 761-4473.

Sincerely,



Nataliya Bryksenkova,  
Engineer  
FirstEnergy Service Company

Attachment

July 6, 2015

Ms. Friesner Sandra J  
41494 Beechwood Dr  
Elyria, OH 44035  
(Parcels № 0623012101001; 0623012101002;  
0623012101003; 0623012101004; 0623012101005)

**Lake Avenue Substation Project**  
**Application for Certificate of Environmental Compatibility and Public Need**  
**OPSB Case No. 14-2162-EL-BSB**

Dear Ms. Friesner,

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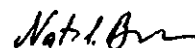
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Sincerely,



Nataliya Bryksenkova,  
Engineer  
FirstEnergy Service Company

Attachment



76 South Main Street  
Akron, Ohio 44308

1-800-646-0400

July 6, 2015

Konowal Antoinette D &  
Nicholas A Urban III  
3703 Amherst Ave  
Lorain, OH 44052  
(Parcels № 0622017106014; 0622017106015;  
0622017106016; 0622017106017)

**Lake Avenue Substation Project**  
**Application for Certificate of Environmental Compatibility and Public Need**  
**OPSB Case No. 14-2162-EL-BSB**

Dear Mr. and Ms. Konowal,

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Engineer  
FirstEnergy Service Company

Attachment



76 South Main Street  
Akron, Ohio 44308

1-800-646-0400

July 6, 2015

Konowal Antoinette D &  
Nicholas A Urban III  
1040 29<sup>th</sup> Street W  
Lorain, OH 44052  
(Parcels № 0622017106014; 0622017106015;  
0622017106016; 0622017106017)

**Lake Avenue Substation Project**  
**Application for Certificate of Environmental Compatibility and Public Need**  
**OPSB Case No. 14-2162-EL-BSB**

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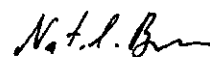
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Sincerely,



Nataliya Bryksenkova,  
Engineer  
FirstEnergy Service Company

Attachment



76 South Main Street  
Akron, Ohio 44308

1-800-646-0400

July 6, 2015

Lake Shore Railway Association Inc.  
PO Box 1131  
Elyria, OH 44035  
(Parcel № 0622020108005)

**Lake Avenue Substation Project**  
**Application for Certificate of Environmental Compatibility and Public Need**  
**OPSB Case No. 14-2162-EL-BSB**

To Whom It May Concern,

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Sincerely,



Nataliya Bryksenkova,  
Engineer  
FirstEnergy Service Company

Attachment



76 South Main Street  
Akron, Ohio 44308

1-800-646-0400

July 6, 2015

Mr. Robert P. Graham  
Logos Properties LLC  
445 Griswold Rd  
Elyria, OH 44035  
(Parcel № 0622016000009)

**Lake Avenue Substation Project**  
**Application for Certificate of Environmental Compatibility and Public Need**  
**OPSB Case No. 14-2162-EL-BSB**

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Attachment

July 6, 2015

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150 Freedom Ct  
Elyria, OH 44035  
(Parcel No 0622016000009)

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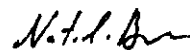
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If you have questions regarding this project, you may contact us through a toll-free information line at 1-800-589-2837, or directly by contacting Ms. Nataliya Bryksenkova at (330) 761-4473.

Sincerely,



Nataliya Bryksenkova,  
Engineer  
FirstEnergy Service Company

Attachment



76 South Main Street  
Akron, Ohio 44308

1-800-646-0400

July 6, 2015

Norfolk & Western RR  
Norfolk Southern Corporation  
110 Franklin Rd SE  
Roanoke, VA 24042-0028  
(Parcel No 0622015501007;  
0622016501001; 0622016501002)

**Lake Avenue Substation Project**  
**Application for Certificate of Environmental Compatibility and Public Need**  
**OPSB Case No. 14-2162-EL-BSB**

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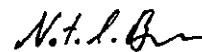
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Sincerely,



Nataliya Bryksenkova,  
Engineer  
FirstEnergy Service Company

Attachment



76 South Main Street  
Akron, Ohio 44308

1-800-646-0400

July 6, 2015

Mr. Perry James  
6293 Antrim Road  
Elyria, OH 44035  
(Parcel No 0622017102024)

**Lake Avenue Substation Project**  
**Application for Certificate of Environmental Compatibility and Public Need**  
**OPSB Case No. 14-2162-EL-BSB**

Dear Mr. Perry,

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Sincerely,



Nataliya Bryksenkova,  
Engineer  
FirstEnergy Service Company

Attachment



76 South Main Street  
Akron, Ohio 44308

1-800-646-0400

July 6, 2015

Ms. Popil Veronica  
800 Brick Mill Run #301  
Westlake, OH 44145  
(Parcel No 0622017102025)

**Lake Avenue Substation Project**  
**Application for Certificate of Environmental Compatibility and Public Need**  
**OPSB Case No. 14-2162-EL-BSB**

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Nataliya Bryksenkova,  
Engineer  
FirstEnergy Service Company

Attachment



76 South Main Street  
Akron, Ohio 44308

1-800-646-0400

July 6, 2015

Quarry Development Inc.  
6920 West Ridge Rd  
Lorain, OH 44053  
(Parcels № 0622015101002; 0622015101003;  
0622017111002; 0622017111003; 0622017111004;  
0622014101001; 0622014101002; 0622014101003)

**Lake Avenue Substation Project**  
**Application for Certificate of Environmental Compatibility and Public Need**  
**OPSB Case No. 14-2162-EL-BSB**

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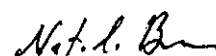
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Sincerely,



Nataliya Bryksenkova,  
Engineer  
FirstEnergy Service Company

Attachment

July 6, 2015

Mr. Hugh O'Donnel,  
Operations Manager  
HGN Realty  
164 Freedom Ct  
Elyria, OH 44035  
(Parcel № 0622016000004)

**Lake Avenue Substation Project**  
**Application for Certificate of Environmental Compatibility and Public Need**  
**OPSB Case No. 14-2162-EL-BSB**

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HH. An adjudicatory hearing commencing on Wednesday August 26, 2015, at 10:00 a.m., in Hearing Room 11-C, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.

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If you have questions regarding this project, you may contact us through a toll-free information line at 1-800-589-2837, or directly by contacting Ms. Nataliya Bryksenkova at (330) 761-4473.

Sincerely,



Nataliya Bryksenkova,  
Engineer  
FirstEnergy Service Company

Attachment



76 South Main Street  
Akron, Ohio 44308

1-800-646-0400

July 6, 2015

Mr. Hugh O'Donnel,  
Operations Manager  
Shalmet Corporation  
116 Pinedale Industrial  
Orwigsburg, PA 17961  
(Parcel № 0622016000004)

**Lake Avenue Substation Project**  
**Application for Certificate of Environmental Compatibility and Public Need**  
**OPSB Case No. 14-2162-EL-BSB**

Dear Mr. O'Donnel,

American Transmission Systems, Incorporated (ATSI), a FirstEnergy company, is proposing to construct the Lake Avenue Substation Project ("Project"). This letter briefly describes the Project, the Ohio Power Siting Board (OPSB) certification process and provides you with notice of the date, time and location of an upcoming public hearing on the Project.

The proposed Lake Avenue Substation Project involves installing a new 345 kV to 138 kV transmission substation. The proposal, which has been submitted to the OPSB for review, includes information on a preferred and alternate site for the Project. Both sites are located in the City of Elyria and Elyria Township in Lorain County, Ohio. With the construction of the proposed substation, it will also be necessary to extend the nearby Black River-Johnson 138 kV Transmission Line and the Avon-Beaver 345 kV Transmission Line to the new substation. The attached map shows both the preferred and alternate sites proposed for the substation and the proposed routes of the extended transmission lines to the preferred site.

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A copy of the application for the Project as well as copies of the Construction Notice and Letter of Notification, have been provided for public review at the West River Branch Library-Elyria Public Library, 1194 West River Road N, Elyria, OH 44035, and the South Lorain Branch-Lorain Public Library, 2121 Homewood Drive, Lorain, OH 44035.

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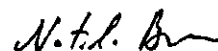
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If you have questions regarding this project, you may contact us through a toll-free information line at 1-800-589-2837, or directly by contacting Ms. Nataliya Bryksenkova at (330) 761-4473.

Sincerely,



Nataliya Bryksenkova,  
Engineer  
FirstEnergy Service Company

Attachment



76 South Main Street  
Akron, Ohio 44308

1-800-646-0400

July 6, 2015

Mr. Ritenour Reid D Jr.  
6195 Antrim Road  
Elyria, OH 44035  
(Parcels № 0622017106006; 0622017106007;  
0622017106008; 0622017106009)

**Lake Avenue Substation Project**  
**Application for Certificate of Environmental Compatibility and Public Need**  
**OPSB Case No. 14-2162-EL-BSB**

Dear Mr. Ritenour,

American Transmission Systems, Incorporated (ATSI), a FirstEnergy company, is proposing to construct the Lake Avenue Substation Project ("Project"). This letter briefly describes the Project, the Ohio Power Siting Board (OPSB) certification process and provides you with notice of the date, time and location of an upcoming public hearing on the Project.

The proposed Lake Avenue Substation Project involves installing a new 345 kV to 138 kV transmission substation. The proposal, which has been submitted to the OPSB for review, includes information on a preferred and alternate site for the Project. Both sites are located in the City of Elyria and Elyria Township in Lorain County, Ohio. With the construction of the proposed substation, it will also be necessary to extend the nearby Black River-Johnson 138 kV Transmission Line and the Avon-Beaver 345 kV Transmission Line to the new substation. The attached map shows both the preferred and alternate sites proposed for the substation and the proposed routes of the extended transmission lines to the preferred site.

The proposed Lake Avenue Substation Project and the extension of the Avon-Beaver 345 kV and Black River-Johnson 138 kV transmission lines to the substation are needed to improve the electric transmission system in the greater Lorain area by providing greater support for the existing and project load in the area, which in turn will ensure that the area has reliable transmission service for all industrial, commercial and residential customers.

In order to construct, operate and maintain the Project, ATSI must submit an application to and obtain approval from the OPSB. For new substations, the OPSB requires an applicant to submit information on both a preferred and alternate site. The OPSB is legally obligated review the application and consider many aspects of the Project, including, whether or not a project is needed and if so, which proposed site has the fewest impacts. The OPSB approval is provided in the form of a Certificate of Environmental Compatibility and Public Need.

On March 6, 2015, ATSI submitted its application for the Project to the OPSB. The OPSB conducted an initial review of the application and found on May 13, 2015 that the application was legally complete. This initial review is preliminary and addresses only the legal sufficiency of the information submitted. If an application is determined to be complete, the OPSB will initiate its more detailed review of the impacts of the project, as required by law. More information on the OPSB can be found on their website at <http://www.opsb.ohio.gov/opsb.cfm>. The application for the Project can also be found at this website, under the OPSB assigned case number of 14-2162-EL-BSB. Please note

that you should refer to this case number if you correspond with the OPSB on this Project to ensure that your comments are included in the record of this proceeding.

Additionally, the proposals to extend the transmission lines to the preferred site of the Lake Avenue Substation are being reviewed in separate OPSB proceedings. The first is a Construction Notice filing submitted on March 31, 2015, for the Avon-Beaver 345 kV Transmission Line Loop to Lake Avenue Transmission Substation Project, which was assigned Case No. 15-0288-EL-BNR. The second is a Letter of Notification filing submitted on May 1, 2015 for the Black River-Johnson 138 kV Transmission Line Loop to Lake Avenue Transmission Substation Project which was assigned case no. 15-0289-EL-BLN.

A copy of the application for the Project as well as copies of the Construction Notice and Letter of Notification, have been provided for public review at the West River Branch Library-Elyria Public Library, 1194 West River Road N, Elyria, OH 44035, and the South Lorain Branch-Lorain Public Library, 2121 Homewood Drive, Lorain, OH 44035.

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If you have questions regarding this project, you may contact us through a toll-free information line at 1-800-589-2837, or directly by contacting Ms. Nataliya Bryksenkova at (330) 761-4473.

Sincerely,



Nataliya Bryksenkova,  
Engineer  
FirstEnergy Service Company

Attachment

July 6, 2015

Ms. Smith Carole  
6290 Antrim Road  
Elyria, OH 44035  
(Parcel No 0622017101022)

**Lake Avenue Substation Project**  
**Application for Certificate of Environmental Compatibility and Public Need**  
**OPSB Case No. 14-2162-EL-BSB**

Dear Ms. Smith,

American Transmission Systems, Incorporated (ATSI), a FirstEnergy company, is proposing to construct the Lake Avenue Substation Project ("Project"). This letter briefly describes the Project, the Ohio Power Siting Board (OPSB) certification process and provides you with notice of the date, time and location of an upcoming public hearing on the Project.

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Sincerely,



Nataliya Bryksenkova,  
Engineer  
FirstEnergy Service Company

Attachment

July 6, 2015

Ms. Wood Kimberly  
41446 Beechwood Dr  
Elyria, OH 44035  
(Parcels № 0623012101006;  
0623012101007)

**Lake Avenue Substation Project**  
**Application for Certificate of Environmental Compatibility and Public Need**  
**OPSB Case No. 14-2162-EL-BSB**

Dear Ms. Wood,

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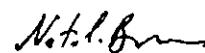
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Sincerely,



Nataliya Bryksenkova,  
Engineer  
FirstEnergy Service Company

Attachment

In the Matter of the Application of )  
American Transmission Systems, Incorporated )  
for a Certificate of Environmental Compatibility )  
and Public Need for the Lake Avenue Substation )  
Project )

EXHIBIT  
Applicant's  
#3



1                                   **TESTIMONY OF MS. NATALIYA BRYKSENKOVA**

2  
3                                   **INTRODUCTION AND PURPOSE**

4   **Q. PLEASE STATE YOUR NAME, EMPLOYER, BUSINESS ADDRESS AND**  
5   **POSITION.**

6   A. My name is Nataliya Bryksenkova. I am employed by the FirstEnergy Service Company. My  
7       business address is 76 South Main Street, Akron, Ohio 44308. I am an Engineer IV in the  
8       Transmission Engineering Group of the Energy Delivery organizational unit.

9  
10   **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY IN THIS CASE?**

11   A. I am sponsoring the Application for a Certificate of Environmental Compatibility and Public  
12       Need for the Lake Avenue Substation on behalf of American Transmission Systems,  
13       Incorporated, the Applicant in this proceeding.

14  
15                                   **OBSERVATIONS THAT WILL ASSIST THE READER WITH**

16                                   **UNDERSTANDING THIS TESTIMONY**

17  
18   **Q. BEFORE TURNING TO SUBSTANTIVE MATTERS, DO YOU HAVE ANY**  
19   **OBSERVATIONS THAT WILL ASSIST THE READER WITH UNDERSTANDING**  
20   **THIS TESTIMONY?**

21   A. Yes. My testimony is being submitted in the proceeding for Lake Avenue Substation project  
22       (Ohio Power Siting Board Case No. 14-2162-EL-BSB).

1 Unless otherwise indicated, capitalized terms that are used in my testimony have the same  
2 meaning as the same capitalized terms have in the Application. The common terms used in  
3 my testimony are as follows:

4 **Application:** means the Application of American Transmission Systems, Incorporated for a  
5 Certificate of Environmental Compatibility and Public Need for the Lake Avenue Substation.

6 **Applicant:** means American Transmission Systems, Incorporated.

7 **ATSI:** means American Transmission Systems, Incorporated, the Applicant in this  
8 proceeding.

9 **Lake Avenue Substation:** means the new substation at either the proposed Preferred or  
10 Alternate Site of the proposed Project.

11 **OPSB:** means the Ohio Power Siting Board.

12 **Project:** means the proposed Lake Avenue Substation Project.

13

14 Also, I note that the Application is filed with the OPSB and posted on the Board's website,  
15 and is therefore available to all parties who have been granted intervention and other  
16 interested parties.

17

18 Finally and again speaking as sponsor of the Application, in the unlikely event that there is a  
19 difference between data or information provided in my prefiled testimony and the  
20 Application, the data or information in my prefiled testimony will control.

21

22

23

1     **SUMMARY OF EMPLOYMENT HISTORY, EDUCATION AND INVOLVEMENT IN**  
2                                     **PROJECT**  
3

4     **Q. HOW LONG HAVE YOU BEEN EMPLOYED BY FIRSTENERGY SERVICE**  
5         **COMPANY, FIRSTENERGY CORP., OR ITS OTHER SUBSIDIARIES OR**  
6         **PREDECESSOR COMPANIES?**

7     A. I have been employed by FirstEnergy Service Company continuously since March 26<sup>th</sup>,  
8         2010, for a total of approximately 5.5 years.  
9

10    **Q. WHAT IS YOUR CURRENT JOB TITLE?**

11    A. I am an Engineer in the Transmission Engineering Group of the Energy Delivery  
12         organizational unit.  
13

14    **Q. HOW LONG HAVE YOU BEEN IN YOUR CURRENT POSITION?**

15    A. I have been in my current position as an Engineer since November 2014.  
16

17    **Q. PLEASE DESCRIBE YOUR CURRENT POSITION.**

18    A. In this position I provide support for the efforts of FirstEnergy and its subsidiaries, including  
19         ATSI, to site new transmission facilities by assisting in the development of transmission line  
20         route siting studies, transmission substation siting studies, and associated regulatory filings,  
21         including applications to the Ohio Power Siting Board. This involves working with internal  
22         and external resources that include FirstEnergy's Legal-Regulatory, Real Estate,  
23         Transmission Engineering, Customer Support, External Affairs Managers, Environmental

1       Permitting & Compliance, Vegetation Management, Operations Support, Transmission Lines  
2       Services Department, Public Communications, Regional Organizations, Area Managers, and  
3       Asset Management Departments.

4  
5       **Q. PLEASE DESCRIBE BRIEFLY AND GENERALLY THE POSITIONS YOU HAVE**  
6       **HELD IN YOUR CAREER WITH FIRSTENERGY.**

7       A. I was hired by FirstEnergy Service Company in March 2010. The general sequence and time  
8       frame of my positions with FirstEnergy are as follows: From March 2010 to October 2011, I  
9       was working as a contract employee in the Drawings and Standards Group. In 2011, I was  
10      transferred to Transmission Design Group. In August 2012, I was hired full-time as an  
11      Advanced Engineer, and continued working in Transmission Design Group until October  
12      2014. In October 2014, I was transferred to Transmission Siting Group as an Engineer IV  
13      performing transmission line siting tasks. My current assignment includes leading and  
14      assisting in the coordination of environmental studies and regulatory permitting for  
15      FirstEnergy's transmission projects.

16  
17      **Q. STARTING AFTER HIGH SCHOOL GRADUATION, PLEASE TELL US YOUR**  
18      **EDUCATIONAL BACKGROUND.**

19      A. I earned a Bachelor of Science degree in Mechanical Engineering in June 1990 from the  
20      Polytechnic University, Saint Petersburg, Russia.

21  
22      **Q. DO YOU HAVE ANY PROFESSIONAL LICENSES OR CERTIFICATIONS?**

23      A. No.

1     **Q. HAVE YOU EVER HAD TO TESTIFY PREVIOUSLY IN OHIO POWER SITING**  
2     **BOARD OR OTHER ELECTRIC-UTILITY PROCEEDINGS?**

3     A. No.

4

5     **Q. HAVE YOU BEEN INVOLVED ON OTHER PROJECTS REQUIRING SUBMITTAL**  
6     **OF OTHER TYPES OF SITING FILINGS FOR APPROVAL OF THE**  
7     **CONSTRUCTION OF OTHER ELECTRIC TRANSMISSION PROJECTS?**

8     A. Yes, I have either prepared or participated in the preparation of a Construction Notice filing  
9     with the Ohio Power Siting Board, four Letter of Notification filings with the Ohio Power  
10    Siting Board, and a Letter of Notification filing with the Pennsylvania Public Utility  
11    Commission.

12

13    **Q. WHAT IS YOUR ROLE ON THE PROJECT?**

14    A. I am the person responsible for coordinating the Applicant's efforts to obtain the OPSB's  
15    authorization to construct the proposed Project. As such, I am responsible for the overall  
16    Project, including the Site Selection Study, the preparation of the Application, filing the  
17    Application with the OPSB and acting as the Applicants' lead representative to the OPSB  
18    Staff throughout the Board's regulatory process.

19

20    **Q. GO ON.**

21    A. In this role, I worked with the subject matter experts with expertise on the various topics that  
22    are described in Chapter 4906-15 of the Board's regulations. The subject matter experts

1       were drawn from qualified employees of the Applicant or the Applicant's affiliates or, in  
2       some cases, from qualified external consulting firms.

3

4       **Q. DO YOU HOLD FINAL DECISION-MAKING AUTHORITY FOR THE PROJECT?**

5       A. No. The Applicant's executives hold final decision-making authority for the Project. My role  
6       is to formulate issues and recommendations for executive review and approval and to  
7       implement the executives' decisions and guidance. As such, I hold responsibility for  
8       identifying issues that require executive authorization, presentation of such issues to the  
9       executives - including answering questions from the executives, and then executing on  
10      executive decisions and direction. In this role, I was the project lead for preparation of the  
11      Application draft that was presented for executive authorization. Once the executives  
12      approved filing of the Application, I was responsible for acting as the Applicant's lead  
13      representative to the OPSB Staff throughout the OPSB's regulatory process.

14

15      **Q. PLEASE IDENTIFY THE RESOURCES THAT WERE AND ARE AVAILABLE TO**  
16      **YOU AS YOU PERFORM YOUR DUTIES IN THIS MATTER.**

17      A. I received and continue to receive assistance from the subject matter experts. In addition, I  
18      obtained and continue to obtain assistance on an "as needed" basis from other internal  
19      FirstEnergy (and affiliated company) personnel in engineering, real estate, regulatory, asset  
20      management, legal, construction, forestry, procurement, customer relations, area and  
21      community relations, and communications resources. Finally, acting pursuant to executive  
22      direction, I have access to and, on an "as needed" basis have receive, assistance from external  
23      resources, such as Burns & McDonnell Engineering Company, Inc. ("Burns & McDonnell").

1 **OVERVIEW OF THE APPLICATION**

2

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

4 A. This section of my prefiled testimony will provide a summary of the history of the  
5 Application and how the Application is organized and will briefly summarize each section of  
6 the Application.

7

8 **Q. PRIOR TO THE FILING OF THE APPLICATION WITH THE OPSB, DID THE**  
9 **APPLICANT REQUEST ANY WAIVERS?**

10 A. Yes, Applicant requested on March 6, 2015 a limited partial waiver on the need to submit  
11 fully developed EMF data on the Alternate Site in the Application. The waiver was requested  
12 because fully developed EMF data on the Alternate Site would be costly and time consuming  
13 to prepare and would be largely duplicative of the information in the Application for the  
14 Preferred Site. The Administrative Law Judge granted this request for a limited partial waiver  
15 on June 15, 2015.

16

17 **Q. HOW IS THE APPLICATION ORGANIZED?**

18 A. The Application was submitted in Docket No. 14-2162-EL-BSB.

19 The Application was prepared in accordance with the OPSB's rules as provided in Chapter  
20 4906-15 of the Ohio Administrative Code which is titled "Instructions for the Preparation of  
21 Certificate Applications for Electric Power, Gas and Natural Gas Transmission Facilities."  
22 This chapter of the OPSB's rules is divided into seven second level divisions, sections 4906-  
23 15-01 through 4906-15-07. The OPSB's rules generally instruct an applicant to provide

narrative and other data in response to each section, section titles, subsection, and subheadings. Most of the sub-subheadings direct the applicant to provide information on maps or figures and typically do not require a narrative response.

The Application mirrors the organization of Chapter 4906-15 of the Ohio Administrative Code. Thus, the Application is organized into seven sections, each of which corresponds to the sections in Chapter 4906-15-01 through 4906-15-07 of the OPSB rules. Each page of each section is numbered with identification unique to that section, for example the page numbers of the section corresponding to section 4906-15-01 are number 01-1, 01-2, 01-3, etc. Further, the various Tables, Exhibits and Appendixes of each section also utilize a similar numbering nomenclature. The sections of the Application are further divided to correspond to the section titles, subsection titles, subheadings and sub-subheadings, each of which is numbered with a heading that corresponds to the associated parts of Chapter 4906-15 of the OPSB rules. Where the appropriate response to the OPSB rules requires inclusion of information on a map, exhibit or similar document, more so for the sub-subheading aspects of the rules, the information is provided on a map or exhibit and usually described in the narrative of the next higher division.

**Q. PLEASE BRIEFLY SUMMARIZE EACH SECTION OF THE APPLICATION.**

A. The Application was submitted to the OPSB on March 6, 2015. The Application for the Project was submitted in a single volume marked as the Lake Avenue Substation Project.



1       The seven sections of the Application are:

- 2       • Section 1 - Project Summary and Facility Overview, beginning at page 1-1 of the  
3       Application, addresses the requirements of the OPSB rules provided in Ohio  
4       Administrative Code Section No. 4906-15-01 – Project Summary and Facility  
5       Overview;
- 6       • Section 2 – Review of Need for Proposed Project, beginning at page 2-1 of the  
7       Application, addresses the requirements of the OPSB rules provided in Ohio  
8       Administrative Code Section No. 4906-15-02 – Review of Need for Proposed Project;
- 9       • Section 3 – Site Alternatives Analysis, beginning at page 3-1 of the Application, of  
10      the Application addresses the requirements of the OPSB rules provided in Ohio  
11      Administrative Code Section No. 4906-15-03 – Site and Route Alternatives Analysis;
- 12      • Section 4 – Technical Data, beginning at page 4-1 of the Application, of the  
13      Application addresses the requirements of the OPSB rules provided in Ohio  
14      Administrative Code Section No. 4906-15-04 – Technical Data;
- 15      • Section 5 – Financial Data, beginning at page 5-1 of the Application, of the  
16      Application addresses the requirements of the OPSB rules provided in Ohio  
17      Administrative Code Section No. 4906-15-05 – Financial Data;
- 18      • Section 6 - Socioeconomic and Land Use Impact Analysis, beginning at page 6-1 of  
19      the Application, of the Application addresses the requirements of the OPSB rules  
20      provided in Ohio Administrative Code Section No. 4906-15-06 – Socioeconomic and  
21      Land Use Impact Analysis; and

- Section 7 – Ecological Data, beginning at page 7-1 of the Application, of the Application addresses the requirements of the OPSB rules provided in Ohio Administrative Code Section No. 4906-15-07 –Ecological Impact Analysis.

**APPLICANT'S WITNESS FOR SPONSORING THE VARIOUS PARTS OF THE APPLICATION**

**Q. ARE YOU SPONSORING THE ENTIRE APPLICATION FOR APPLICANT IN THESE PROCEEDINGS?**

A. Yes, I am sponsoring the Application as an entire document on behalf of the Applicant.

**Q. WHAT DO YOU MEAN WHEN YOU SAY YOU ARE SPONSORING THE ENTIRE APPLICATION?**

A. I am providing the Board with confirmation that the data and information in the Application, including tables, figures and appendices, were either prepared by me, or prepared under my supervision as the person at FirstEnergy Service Company, on behalf of ATSI, responsible for the overall preparation of the Application. For the parts of the Application where I relied on technical knowledge or other information provided by consultants, experts or other individuals working on behalf of ATSI, I am familiar with those portions of the Application and the information provided therein, and I am sponsoring that information on behalf of ATSI.

1   **Q. TO THE BEST OF YOUR INFORMATION AND BELIEF IS THE APPLICATION**  
2       **SUBMITTED TO THE OHIO POWER SITING BOARD COMPLETE AND**  
3       **ACCURATE?**

4   A. Yes, having reviewed the entire Application and been responsible for the collection and  
5       development of the information in the Application, I believe to the best of my knowledge and  
6       belief that the information in the Application is true, accurate and complete.

7

8   **Q. DOES THIS CONCLUDE YOUR INITIAL DIRECT TESTIMONY?**

9   A. Yes it does. However, I reserve the right to supplement my initial testimony if anything  
10       changes with respect to the status of the Application, the Staff's Recommended Conditions,  
11       or for the development of any stipulations with the Staff or intervening party.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing *Initial Testimony of Nataliya Bryksenkova* was served upon the following persons by electronic filing and by emailing a copy on August 18, 2015 to:

John Jones  
Assistant Attorney General, Public Utilities Section  
Office of the Ohio Attorney General  
30 East Broad Street  
Columbus, OH 43215-3428

s/Robert J. Schmidt  
Robert J. Schmidt

COLUMBUS/1778100v.2

# Staff Report of Investigation

Lake Avenue Substation

Case Number  
14-2162-EL-BSB

July 28, 2015



John Kasich, Governor | Andre T. Porter, Chairman

**In the Matter of the Application by American Transmission )  
Systems, Inc. for a Certificate of Environmental Compatibility ) 14-2162-EL-BSB  
and Public Need for the Lake Avenue Substation Project )**

**Staff Report of Investigation**

Submitted to the  
**OHIO POWER SITING BOARD**

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Application by American Transmission )  
Systems, Inc. for a Certificate of Environmental Compatibility ) 14-2162-EL-BSB  
and Public Need for the Lake Avenue Substation Project )**

Members of the Board:

Chairman, Public Utilities Commission	Ohio House of Representatives
Director, Development Services Agency	Ohio Senate
Director, Department of Health	
Director, Department of Agriculture	
Director, Environmental Protection Agency	
Director, Department of Natural Resources	
Public Member	

To the Honorable Power Siting Board:

In accordance with provisions of the Ohio Revised Code (ORC) Section 4906.07(C), and the Commission's rules, the Staff has completed its investigation in the above matter and submits its findings and recommendations in this *Staff Report of Investigation* (staff report) for consideration by the Ohio Power Siting Board (Board).

This staff report has been prepared by the Staff of the Public Utilities Commission of Ohio (PUCO). The findings and recommendations contained in this staff report are the result of Staff coordination with the Ohio Environmental Protection Agency, the Ohio Department of Health, the Ohio Development Services Agency, 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 Historic Preservation Office, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, and the Federal Aviation Administration.

In accordance with ORC Sections 4906.07 and 4906.12, copies of this staff report have been filed with the Docketing Division of the PUCO on behalf of the Board and served upon the Applicant or its authorized representative, the parties of record, and the main public libraries of the political subdivisions in the project area.

The staff report presents the results of the Staff's investigation conducted in accordance with ORC Chapter 4906 and the rules of the Board, and 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 herein.

Respectfully submitted,



Patrick Donlon  
Director, Rates and Analysis  
Public Utilities Commission of Ohio

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## **I. POWERS AND DUTIES**

### **Ohio Power Siting Board**

The Ohio Power Siting Board (Board or OPSB) was created in 1972. The Board is a separate entity within the Public Utilities Commission of Ohio (PUCO). The authority of the Board is outlined in Ohio Revised Code (ORC) Chapter 4906.

The Board is authorized to issue certificates of environmental compatibility and public need for the construction, operation, and maintenance of major utility facilities as defined in ORC Section 4906.01. Included within this definition are: electric generating plants and associated facilities designed for, or capable of, operation at 50 megawatts (MW) or more; electric transmission lines and associated facilities of a design capacity greater than or equal to 125 kilovolts (kV); and gas and natural gas transmission lines and associated facilities designed for, or capable of, transporting gas or natural gas at pressures in excess of 125 pounds per square inch. In addition, per ORC Section 4906.20, the Board authority applies to economically significant wind farms, defined in ORC Section 4906.13(A) as wind turbines and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of five MW or greater but less than 50 MW.

Membership of the Board is specified in ORC Section 4906.02(A). The voting members include: the Chairman of the PUCO who serves as Chairman of the Board; the directors of the Ohio Environmental Protection Agency (Ohio EPA), the Ohio Department of Health, the Ohio Development Services Agency, the Ohio Department of Agriculture, and the Ohio Department of Natural Resources (ODNR); and a member of the public, specified as an engineer, appointed by the Governor from a list of three nominees provided by the Ohio Consumers' Counsel. Ex-officio Board members include two members (with alternates) from each house of the Ohio General Assembly.

### **Nature of Investigation**

The OPSB has promulgated rules and regulations, found in Chapter 4906 of the Ohio Administrative Code (OAC), which establish application procedures for major utility facilities and wind farms.

### **Application Procedures**

Any person that wishes to construct a major utility facility or economically significant wind farm in this state must first submit to the OPSB an application for a certificate of environmental compatibility and public need (ORC Sections 4906.04 and 4906.20). The application must include a description of the facility and its location, summary of environmental studies, a statement explaining the need for the facility and how it fits into the Applicant's energy forecasts (for transmission projects), and any other information the OPSB may consider relevant (ORC Sections 4906.10(A)(1) and 4906.20(B)(1)).

Within 60 days of receiving an application, the OPSB must determine whether the application is sufficiently complete to begin an investigation (OAC 4906-5-05(A)). If an application is considered complete, the Chairman of the OPSB will cause a public hearing to be held 60 to 90 days after the official filing date of the completed application. At the public hearing, any person may provide written or oral testimony and may be examined by the parties (ORC Section 4906.07).

Parties include the Applicant, public officials, and any intervenors to the proceeding (ORC Section 4906.08(A)).

### **Staff Report of Investigation**

The Chairman will also cause each application to be investigated and a *Staff Report of Investigation* (staff report) published not less than 15 days prior to the public hearing. The staff report sets forth the nature of the investigation and contains the findings and conditions recommended by Staff. The Board's Staff, which consists of career professionals drawn from the Staff of the PUCO and other member agencies of the OPSB, coordinates its investigation among the agencies represented on the Board and with other interested agencies such as the Ohio Department of Transportation, the Ohio Historic Preservation Office, and the U.S. Fish and Wildlife Service (USFWS).

The technical investigations and evaluations are conducted under guidance of the OPSB rules and regulations in OAC Chapter 4906. The recommended findings resulting from the Staff's investigation are described in the staff report pursuant to ORC Section 4906.07(C). The staff report does not represent the views or opinions of the OPSB and is only one piece of evidence that the Board may consider when making its decision. Once published, the staff report becomes a part of the record and is served upon all parties to the proceeding and is made available to any person upon request (4906.07(C) and 4906.10). A record of the public hearings and all evidence, including the staff report, may be examined by the public at any time (ORC Sections 4906.09 and 4906.12).

### **Board Decision**

The OPSB may approve, modify and approve, or deny an application for a certificate of environmental compatibility and public need. If the OPSB approves, or modifies and approves an application, it will issue a certificate subject to conditions. The certificate is also conditioned upon the facility being in compliance with standards and rules adopted under ORC Sections 4906.10(A) and (B).

Upon rendering its decision, the OPSB must issue an opinion stating its reasons for approving, modifying and approving, or denying an application for a certificate of environmental compatibility and public need (ORC Section 4906.11). A copy of the OPSB's decision and its opinion is memorialized upon the record and must be served upon all parties to the proceeding (ORC Section 4906.10(C)). Any party to the proceeding that believes its issues were not adequately addressed by the OPSB may submit within 30 days an application for rehearing (ORC Sections 4903.10 and 4906.12). An entry on rehearing will be issued by the OPSB within 30 days and may be appealed within 60 days to the Supreme Court of Ohio (ORC Sections 4903.11, 4903.12, and 4906.12).

## **Criteria**

The recommendations and conditions in this staff report were developed pursuant to the criteria set forth in ORC Section 4906.10(A), which reads in part:

The [B]oard shall not grant a certificate for the construction, operation, and maintenance of a major utility facility, either as proposed or as modified by the [B]oard, 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 gas pipeline;
- (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 the case of an electric transmission line or generating facility, that the 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 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 [B]oard shall consult with the office of aviation of the division of multi-modal planning and programs 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) to (6) of this section and rules adopted under those divisions, 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.
- (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.

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## **II. APPLICATION**

### **Applicant**

American Transmission Systems, Inc. (ATSI or Applicant) proposes to construct, own, operate, and maintain the proposed Lake Avenue Transmission Substation. ATSI's affiliate, the Ohio Edison Company, owns the distribution voltage lines and facilities that serve distribution voltage level customers in the surrounding area.

ATSI is a wholly-owned subsidiary of FirstEnergy Corp (FirstEnergy). FirstEnergy was formed by the merger of Ohio Edison and Centerior Energy Corporation and, as a result, became the holding company for Ohio Edison, Pennsylvania Power Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company. FirstEnergy later merged with GPU, Inc. and Allegheny Energy.

FirstEnergy's system includes 10 distribution companies serving approximately 6 million customers in the Midwest and Mid-Atlantic. The company, through its subsidiaries, operates 24,000 miles of transmission lines, more than 194,000 miles of distribution lines, and a generating fleet with a total capacity of nearly 17,000 MW.<sup>1</sup>

### **History of the Application**

Prior to formally submitting its application, the Applicant consulted with the Staff and representatives of the Board, including the Ohio EPA, regarding application procedures.

On January 5, 2015, the Applicant held a public information meeting regarding the proposed electric substation project.

On March 6, 2015, the Applicant filed a motion for a partial waiver of fully developed electromagnetic field (EMF) data on the Alternate Site. Staff did not object to this partial waiver.

On March 6, 2015, the Applicant filed the Lake Avenue Substation Project application.

On May 11, 2015, the Board issued a letter of compliance to the Applicant regarding the application.

A local public hearing has been scheduled for August 12, 2015, at 6:00 p.m., at the Spitzer Conference Center, Room 117, Lorain County Community College, Main Campus, 1005 North Abbe Road, Elyria, Ohio. The adjudicatory hearing is scheduled for August 26, 2015, at 10:00 a.m., in Hearing Room 11-C, at the offices of the PUCO, 180 East Broad Street, Columbus, Ohio.

This summary of the history of the application does not include every filing in case number 14-2162-EL-BSB. The docketing record for this case, which lists all documents filed to date, can be found online at <http://dis.puc.state.oh.us>.

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<sup>1</sup> "About Us," FirstEnergy Corp., accessed June 29, 2015, <https://www.firstenergycorp.com/about.html>.

## **Project Description**

The Applicant proposes to construct, own, operate, and maintain the Lake Avenue Substation in Elyria, Lorain County, Ohio. The stated need for the \$30 million project is to support the quality of residential, industrial, and commercial electric service and reliability of the bulk electric system in the greater Elyria-Lorain, Ohio area for the foreseeable future. The substation would be capable of transforming voltage from 345 kV to 138 kV and would allow ATSI to better serve the recently added new load of 110 MW, at Republic Steel's Lorain facility under most system conditions. The Applicant plans to place the facility in service by December 2016.

The Applicant has proposed two locations for the substation for the Board's consideration, hereafter referred to as the Preferred Site and the Alternate Site. The substation would be fenced and would consist of two transformers, a control building, circuit breakers, and disconnect switches.

### **Preferred Site**

The Preferred Site is situated on an 8.25-acre parcel owned by ATSI within the city of Elyria. The site is located at the end of Freedom Court, a dead end street. The parcel is zoned for light-industrial use by the City of Elyria. The site layout would have a fenced area of approximately 300 feet by 738 feet, with a stormwater detention basin located outside the fence line.

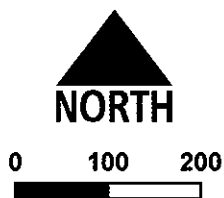
### **Alternate Site**

The Alternate Site is situated on land owned by Quarry Development, Inc. within Elyria Township. The site is located on the west side of Lorain Boulevard (State Route 57). This site was once an active quarry. However, it is currently used for material storage activities that support nearby highway construction. A new access driveway would be constructed from Lorain Boulevard to the site. The parcel is approximately 11 acres in size and is zoned for light-industrial use by the City of Elyria. The site layout would have a fenced area of approximately 486 feet by 460 feet, with two stormwater detention basins located outside the fence line.

The project area and proposed sites are shown on the project map in this staff report.









**Lorain County**



**Feet**  
**1:2,400**

NAD 83 SP Ohio North (Feet)

-  Preferred
-  Access Road
-  Residence
-  Stream
-  Wetland
-  Existing Transmission Line

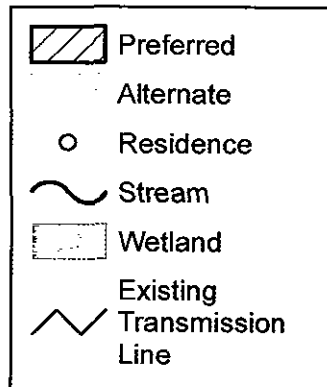
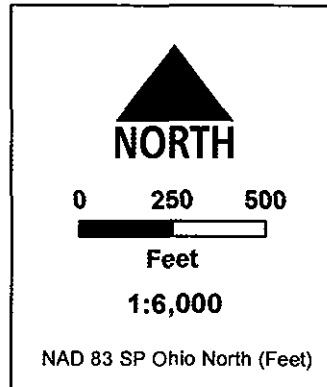
## Preferred Site

**14-2162-EL-BSB**

**Lake Avenue  
Substation**

*Maps are presented solely for the purpose of providing a visual representation of the project in the staff report, and are not intended to modify the project as presented by the Applicant in its certificate application and supplemental materials.*





**Overview**

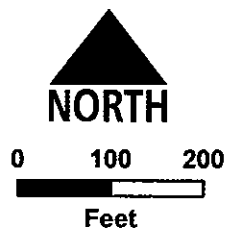
**14-2162-EL-BSB**

**Lake Avenue Substation**

*Maps are presented solely for the purpose of providing a visual representation of the project in the staff report, and are not intended to modify the project as presented by the Applicant in its certificate application and supplemental materials.*



**Lorain County**



**1:2,400**

NAD 83 SP Ohio North (Feet)

- Alternate Access Road
- Residence
- Wetland
- Existing Transmission Line

## **Alternate Site**

**14-2162-EL-BSB**

**Lake Avenue Substation**

*Maps are presented solely for the purpose of providing a visual representation of the project in the staff report, and are not intended to modify the project as presented by the Applicant in its certificate application and supplemental materials.*

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### **III. CONSIDERATIONS AND RECOMMENDED FINDINGS**

In the matter of the application of ATSI for the Lake Avenue Substation Project, the following considerations and recommended findings are submitted pursuant to ORC Section 4906.07(C) and ORC Section 4906.10(A).

#### **Considerations for ORC Section 4906.10(A)(1)**

##### **Basis of Need**

##### **Purpose of Proposed Facility**

Without the proposed Lake Avenue Substation, the ATSI electric grid in the Lorain area may face capacity shortages and operating limitations, including potential voltage flicker. ATSI would be unable to maintain compliance with North American Electric Reliability Corporation (NERC) Reliability Standards as well as PJM Interconnection, LLC (PJM) planning and operating manuals for the bulk electric system. This section focuses on reviewing the reliability need of the proposed facility.

In addition to the proposed Lake Avenue Substation, ATSI plans to file separate applications for additional improvements which will support the proposed Lake Avenue Substation. Below are the additional improvements which can be expected to be filed with the Board in the future.

- Looping the existing Black River-Johnson No.1 and No.2 138 kV transmission lines into the Lake Avenue Substation, thus creating Black River-Lake Avenue No.1 and No.2 138 kV lines and Johnson-Lake Avenue No.1 and No.2 138 kV lines.
- Looping the Avon-Beaver No.1 and No.2 345 kV lines into the Lake Avenue Substation, thus creating new Avon-Lake Avenue No.1 and No.2 345 kV lines and Beaver-Lake Avenue No.1 and No.2 345 kV lines.
- Re-conductor and structure replacement of an approximately 1.95 mile segment of the Black River-Johnson No.2 138 kV Transmission Line.

##### **Long Term Forecast**

The Ohio Administrative Code requires electric utilities and transmission owners to annually file a forecast report with the PUCO.<sup>2</sup> This forecast report requires a 10-year plan of committed or tentatively projected projects on the bulk power transmission network. The proposed transmission substation project was identified in the *2014 American Transmission Systems, Incorporated Long-Term Forecast Report to the Public Utilities Commission of Ohio*.<sup>3</sup> The PUCO assigned this document case number 14-0625-EL-FOR.

##### **PJM Regional Transmission Expansion Plan**

PJM is the Regional Transmission Organization charged with planning for upgrades to the regional transmission system in Ohio. PJM annually issues the Regional Transmission Expansion Plan (RTEP) report. The RTEP analyzes reliability criteria, operational performance of the transmission

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<sup>2</sup> OAC 4901:5-5.

<sup>3</sup> "2014 Long-term Forecast Report to the Public Utilities Commission of Ohio," American Transmission Systems, Inc. (case number 14-0625-EL-FOR), June 24, 2013.

system, and economic and environmental factors. The RTEP provides for the construction of expansions and upgrades of the PJM transmission system, as needed to maintain compliance with reliability criteria and, when appropriate, to enhance the economic and operational efficiency of wholesale electricity markets in the PJM region.

The proposed facility was identified as a supplemental RTEP project by PJM.<sup>4</sup> Approval was received by the PJM Board of Directors. The Applicant's supplemental project was assigned the upgrade identification number "s0663." The construction status of transmission projects can be tracked on PJM's website.<sup>5</sup>

### **System Economy and Reliability**

The proposed facility would improve system reliability of the transmission and sub-transmission system by strengthening the system under certain contingencies, while improving overall efficiency and flexibility of the transmission system. ATSI load flow studies verify that the construction of the proposed facility would improve reliability. A more-detailed investigation of voltage concerns can be found in the Electric Grid section of this staff report.

### **Conclusion**

Staff concludes that ATSI has demonstrated the basis of need due to the reliability problems caused by certain contingencies in the project area. PJM listed this project as a supplemental project. Without the system improvements associated with this project, ATSI would be unable to comply with the required NERC and PJM planning criteria, making the electrical system unstable and unreliable, and possibly resulting in possible penalties from the Federal Energy Regulatory Commission. The proposed facility would allow the transmission system to provide safe, reliable electric service, while meeting all the applicable planning criteria.

### **Recommended Findings**

Staff recommends that the Board find that the basis of need for the project has been demonstrated and therefore complies with the requirements specified in ORC Section 4906.10(A)(1), provided that any certificate issued by the Board for the proposed facility include the conditions specified in the section of this staff report entitled Recommended Conditions of Certificate.

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<sup>4</sup> "2014 Regional Transmission Expansion Plan," PJM Interconnection, 257, accessed July 16, 2015, <http://pjm.com/documents/reports/rtep-documents/2014-rtep.aspx>.

<sup>5</sup> "Transmission Construction Status," PJM Interconnection, accessed July 16, 2015, <http://pjm.com/planning/rtep-upgrades-status/construct-status.aspx>.

## Considerations for ORC Section 4906.10(A)(2)

### **Nature of Probable Environmental Impact**

Pursuant to ORC Section 4906.10(A)(2), the Board must determine the nature of the probable environmental impact of the proposed facility. Staff has found the following with regard to the nature of the probable environmental impact.

#### **Socioeconomic Impacts**

##### *Demographics*

The proposed facility would be located in Lorain County, approximately three miles north-northwest of downtown Elyria near the northeast corner of Elyria Township. The project area contains large industrial zones, small wooded areas, and scattered residences. According to the U.S. Census Bureau, the population of Lorain County increased an estimated 6 percent between 2000 and 2013.<sup>6</sup> During the same time period, the populations of the City of Elyria and Elyria Township decreased 3 percent and 6.9 percent, respectively.<sup>7</sup> The populations of the City of Elyria and Elyria Township are expected to decrease annually by 0.2 percent and 0.3 percent, respectively, compared to an expected population increase of 0.2 percent for all of Lorain County.<sup>8</sup> In 2014, the City of Elyria and Elyria Township had population densities of 2,624 and 577 persons per square mile, respectively, compared to 620 persons per square mile for all of Lorain County.<sup>9</sup>

##### *Land Use*

Land use within the project area consists of a mix of residential, commercial, and light industrial land uses. Multiple corridors extend through the vicinity of the project area, including an active rail line, an abandoned railroad, and electric transmission lines.

Approximately 26 residences are located within 1,000 feet of the Preferred Site. They are located to the north and southeast of the Site. Of these residences, two are located within 100 feet of the proposed site boundary, southeast along Beechwood Drive. The approximate distance between the proposed substation fence line and nearest residence is 135 feet. No substation equipment would be located within 100 feet of either residence. Approximately 15 residences are located within 1,000 feet of the Alternate Site. They are located to the southwest, northwest, and east of the site. None of these residences are within 100 feet of the Alternate Site.

No residences would need to be removed during construction of the project at either site. Furthermore, most of the residential impacts would be temporary, during the construction of the facilities. For the Preferred Site, permanent screening would be necessary to mitigate lasting visual impacts during normal operation.

Staff reviewed the *City of Elyria Consolidated Strategic Plan for the Five-Year Period March 1, 2010 to February 28, 2014* and the *Elyria Township Comprehensive Plan 2013*, and concludes

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<sup>6</sup> "American Factfinder Profile of General Demographic Characteristics: 2000 Census 2000 Summary File 1 (SF 1) 100 Percent Data and 2009-2013 American Community Survey 5-Year Estimates," United States Census Bureau, June 2015, accessed June 30, 2015, <http://factfinder.census.gov>.

<sup>7</sup> Ibid.

<sup>8</sup> "2014 Population Estimates by County, City, Village and Township," Ohio Development Services Agency, May 2015, accessed June 30, 2015, <http://development.ohio.gov/files/research/P5027.pdf>.

<sup>9</sup> Ibid.

that construction of the project is not expected to limit or prevent future development or project growth in the area.

There are approximately 18 commercial/industrial facilities located within 1,000 feet of the Preferred Site. They are located south and southwest of the site, along Freedom Court and Schaden Road. There are two commercial/industrial facilities located within 1,000 feet of the Alternate Site, including the material storage and processing operations at the quarry. These commercial/industrial facilities are not expected to be significantly impacted by the construction, operation, or maintenance of the proposed project. A portion of the quarry would have to be acquired to construct the substation at the Alternate Site. No agricultural land uses exist within 1,000 feet of either site.

No recreational or institutional facilities exist within 1,000 feet of the Preferred Site. St. Vincent DePaul Catholic Church and its associated facilities are located approximately 1,000 feet north of the Alternate Site. No other recreational or institutional facilities exist within 1,000 feet of the Alternate Site. It is unlikely that the project would significantly impact the church or its facilities.

#### *Aesthetics*

The Applicant's site selection study considered potential sites based primarily on minimizing impacts to surrounding land uses. Twelve preliminary sites were chosen in-part because they lacked any significant development and contained existing vegetative screening. The Applicant's goal was to ensure that the project would not significantly alter public and private views of the project area, nor change the character of the surrounding area. This is especially true for the Alternate Site, as it is already significantly screened by existing trees and vegetation that would remain after construction.

Five residences are located within 250 feet of the fence line at the Preferred Site. Due to extensive site clearing during construction, very little existing screening between these residences and the substation is expected to remain. Although the Applicant has proposed replanting vegetative screening along the southeast fence line, the project is still likely to significantly alter the residents' views. Staff recommends a vegetation mitigation plan to further address these impacts.

#### *Cultural Resources*

The Applicant researched various databases, including the National Register of Historic Places, for information on historic districts, previously identified archaeological sites, architectural resources, cemeteries, and cultural resources. The Applicant also conducted a Phase I archaeological survey of the project area. No cultural resources were identified. The Applicant coordinated with the Ohio Historic Preservation Office (OHPO), and the OHPO concurred that impacts to cultural resources are not anticipated.

#### *Economics*

The following is a breakdown of the intangible and capital costs for the Preferred and Alternate sites. The land and land rights are estimated at a cost of \$434,000 for the Preferred Site and \$450,000 for the Alternate Site. The estimated station equipment costs for both the Preferred and Alternate sites are estimated at \$30,125,000. The right-of-way clearing, roads, trails, or other access costs are estimated at \$18,000 for the Preferred Site and \$36,000 for the Alternate Site. The

total intangible and capital costs are estimated at \$30,577,500 for the Preferred Site and \$30,611,000 for the Alternate Site.<sup>10</sup>

The Preferred Site is located in the City of Elyria, and the Alternate Site is located in Elyria Township, both within Lorain County. The approximate total property tax associated with installing the substation at the Preferred Site is \$2,375,000 under current tax law the first year after the project is completed, compared to \$2,486,000 at the Alternate Site.<sup>11</sup>

The proposed facility would have an overall positive impact on the local economy due to the increase in construction spending and local tax revenues. The proposed facility would also have a positive impact on regional development through increased reliability and availability of electric power as the industrial load increases.

### *Geology*

Lorain County is located on the eastern edge of the till plain area of the Great Central Lowlands.<sup>12</sup> The topography features a flat to gently rolling surface from a high elevation in the southern part of the county to its lowest elevation at Lake Erie along the north shore line. The underlying bedrock is predominantly shale and sandstone of Devonian and Mississippian age.

The Alternate Site is situated within an area that has been previously quarried for sand and gravel. Neither the Preferred Site nor the Alternate Site presents any geological obstacles that would prevent the construction or operation of the proposed substation.

### *Soils*

According to the Soil Survey of Lorain County, the soils at both the Preferred Site and the Alternate Site are generally clayey and formed in glacial drift.<sup>13</sup> The soils at the Preferred and Alternate sites are likely a part of the Mahoning-Miner association. This soil association is primarily on broad flats and in gently sloping areas in the northern part of the county. The soils in this association were formed in glacial till or in lacustrine (material deposited in lake water and exposed by the lowering of the water level) sediments.

The Preferred Site is specifically characterized by soils identified as the Mahoning-Trio silt loams, 0 to 2 percent slopes; the Haskins loam, 0 to 2 percent slopes; and to a lesser degree the Mahoning-Trio silt loams, 2 to 6 percent slopes. The Mahoning-Trio series consists of somewhat poorly drained, nearly level to gently sloping soils on uplands at the project site as well as throughout the county. These soils formed in moderately fine textured glacial till. The Haskins series consists of somewhat poorly drained, nearly level to gently sloping soils on lake plains and uplands. These soils formed in loamy material that is much finer textured in the lower part of the soil profile than the upper part.

The Alternate Site is characterized by soils identified as Quarries. This is a disturbed area of soil and stony rubble removed by mechanical means and in which the sandstone bedrock has been

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<sup>10</sup> "Application for a Certificate of Environmental Compatibility and Public Need for the Lake Avenue Substation," (Application), American Transmission Systems, Inc., March 6, 2015, 5-3.

<sup>11</sup> Application, 6-12.

<sup>12</sup> "Physiography of Eastern United States," Fenneman, Nevin, M., McGraw-Hill, New York, 1938.

<sup>13</sup> "Soil Survey of Lorain County, Ohio," United States Department of Agriculture, Soil Conservation Service in cooperation with the Ohio Department of Natural Resources, Division of Land and Soils, 1972.



quarried for building construction purposes. Some of the quarried pits where the sandstone has been removed are filled with water. The general area is covered with mine spoil that has been spread out and graded in spots. The quarry is no longer an active mining site and is currently used for material and equipment storage and staging operations.

The Applicant has not identified any slope or soil conditions that would potentially limit construction at either of the proposed site locations. However, the soils at the Preferred Site are more conducive to building construction. More site preparation would be necessary at the Alternate Site due to the need to conduct cut and fill operations to bring the site up to grade.

#### *Test Borings*

The Applicant conducted two separate geotechnical studies for the purpose of examining subsurface soils. The first study was conducted at the Alternate Site in April 2013. The second study was conducted at the Preferred Site in June 2014. The studies included a field exploration program (including borings and an electrical resistivity survey), laboratory tests on various collected samples, and recommendations relative to foundation design.

The studies determined that the Preferred Site consists mostly of clay and the Alternate Site consists of disturbed soils that contained brick, wood, and other organic materials derived from the inactive quarry operation. The studies also indicated that the soil at the Preferred Site has a much higher bearing capacity than the soil at the Alternate Site. This soil factor and other subsurface features would make the Preferred Site more conducive to site preparation and result in subsequent cost savings related to the design and construction of the foundation for the substation.

#### *Seismology*

There is a recorded history of two seismic events in Lorain County.<sup>14</sup> In Carlisle Township near the border with Elyria Township, a seismic event occurred on January 5, 1883 at a magnitude of 3.0 on the Richter scale. In Penfield Township, a seismic event occurred on September 14, 1899 at a magnitude of 3.3 on the Richter scale. Seismic events between 3 and 3.9 in magnitude are considered minor and exhibit movement that is perceptible by people but cause little to no damage. The Preferred Site for the substation lies approximately 4.35 miles northwest of the epicenter of the first recorded seismic event.

Based upon the best available information, seismic activity is not anticipated to cause any adverse effect to the construction or operation of this facility.

All Staff recommendations for the requirements discussed in this section can be found under the **Socioeconomic Conditions** heading of the Recommended Conditions of Certificate.

### **Ecological Impacts**

#### *Surface Waters*

The Preferred Site contains two ephemeral streams, one on the western edge and one on the southern portion of the site. The Applicant would relocate the streams on-site and maintain 636 linear feet (0.058 acre) of the ephemeral drainage ditch along the southern portion of the site during

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<sup>14</sup> "Ohio Earthquake Epicenters Interactive Map," Ohio Department of Natural Resources, accessed July 16, 2015, <https://gis.ohiodnr.gov/website/dgs/earthquakes>.

construction for stormwater drainage for the property. No streams would be impacted during construction within the Alternate Site. Best management practices would be implemented during construction.

The Applicant has indicated they will coordinate with the U.S. Army Corps of Engineers (USACE) to obtain the pertinent Section 404 Dredge and Fill Permit for impacts to ephemeral streams at the Preferred Site and would comply with any mitigation measures the USACE conditions in the permit. The Applicant will also obtain the Ohio EPA General Permit OHC000004 for storm water discharges associated with construction activities. A Stormwater Pollution Prevention Plan (SWPPP) would be implemented in accordance with the General Permit.

No ponds, lakes, or reservoirs are located within either site. A few small ponds are located north of the Alternate Site. However the ponds are likely remnants of the quarry operations and are located on quarry property.

One category 2 palustrine forested (PFO) wetland (0.275 acre) was identified within the Preferred Site. Two other wetlands were identified north and northwest of the Preferred Site. The Applicant would permanently fill 0.275 acre of the category 2 PFO wetland at the Preferred Site. The Alternate Site contains two category 1 wetlands, a portion of another category 1 wetland, and a portion of one category 2 wetland. The Applicant would permanently fill 0.096 acre of category 1 wetlands at the Alternate Site. Wetlands would be further protected by the Applicant's erosion and sedimentation controls outlined in the SWPPP. The USACE Section 404 Dredge and Fill Permit, and the Ohio EPA General Permit discussed above would account for wetland impacts as well. The specific permits that the Applicant will apply for and how it will coordinate with the proper permitting authorities, such as the Ohio EPA and the USACE, are further explained on page 26.

#### *Vegetation*

The majority of both sites is comprised of early successional vegetation. Eight acres of tree clearing would be necessary at the Preferred Site, and four acres of tree clearing would be necessary at the Alternate Site. Areas not containing equipment or crushed rock would be revegetated/reseeded with grass after construction. The Applicant has developed a landscape plan for the southern portion of the Preferred Site. The plan would incorporate woody vegetation, shrubs, and trees along the southeast portion of the Preferred Site. Vegetation would be further protected by the Applicant's erosion and sedimentation controls outlined in the SWPPP.

#### *Threatened and Endangered Species*

The Applicant requested information from the ODNr and the USFWS regarding state and federally-listed threatened and endangered plant and animal species. Additional information was provided through field assessments and review of published ecological information. The following table of state and federally-listed species known to occur in the project area reflects the results of the information requests, field assessments, and document review.

### BIRDS

Common Name	Scientific Name	Federal Status	State Status	Presence in Project Area
piping plover	<i>Charadrius melodus</i>	Endangered	Endangered	Migrant species in Ohio nest on undisturbed beaches that are well-sanded and isolated. These birds also use mudflats to hunt for food. Due to the location, this project is not likely to impact this species.
upland sandpiper	<i>Bartramia longicauda</i>	N/A	Endangered	Nesting upland sandpipers utilize dry grasslands including native grasslands, seeded grasslands, grazed and ungrazed pasture, hayfields, and grasslands established through the U.S. Department of Agriculture's Conservation Reserve Program. If this type of habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of April 15 to July 31.
Kirtland's warbler	<i>Setophaga kirtlandii</i>	Endangered	Endangered	Due to the location, this project is not likely to impact this species.
sandhill crane	<i>Grus canadensis</i>	N/A	Endangered	If grassland, prairie, or wetland habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of April 1 to September 1.
red knot	<i>Calidris canutus rufa</i>	Threatened	N/A	Migrant species in Ohio and nest on undisturbed beaches that are well-sanded and isolated. These birds also use mudflats to hunt for food. The project area does not contain suitable migration stopover or nesting habitat.

### REPTILES & AMPHIBIANS

Common Name	Scientific Name	Federal Status	State Status	Presence in Project Area
Blanding's turtle	<i>Emydoidea blandingii</i>	N/A	Threatened	This species inhabits marshes, ponds, lakes, streams, wet meadows, and swampy forests. Although essentially aquatic, the Blanding's turtle will travel over land as it moves from one wetland to the next. Due to the location, the type of habitat at the project site and within the vicinity of the project area, this project is not likely to impact this species.
spotted turtle	<i>Clemmys guttata</i>	N/A	Threatened	Habitat includes fens, bogs and marshes, but also is known to inhabit wet prairies, meadows, pond edges, wet woods, and the shallow sluggish waters of small streams and ditches. Due to the location, the type of habitat present at the project site and within the vicinity of the project area, this project is not likely to impact this species.

MAMMALS				
Common Name	Scientific Name	Federal Status	State Status	Presence in Project Area
Indiana bat	<i>Myotis sodalis</i>	Endangered	Endangered	The Applicant completed a mist net survey and found no Indiana bats.
Northern long-eared bat	<i>Myotis septentrionalis</i>	Threatened	Species of Concern	The Applicant completed a mist net survey and found no Northern long-eared bats.

FISH				
Common Name	Scientific Name	Federal Status	State Status	Presence in Project Area
lake sturgeon	<i>Acipenser fulvescens</i>	Species of Concern	Endangered	Due to the location, and the fact that no in-water work is proposed in a perennial stream, this project is not likely to impact this species.
channel darter	<i>Percina copelandi</i>	N/A	Threatened	Due to the location, and the fact that no in-water work is proposed in a perennial stream, this project is not likely to impact this species.
bigmouth shiner	<i>Notropis dorsalis</i>	N/A	Threatened	Due to the location, and the fact that no in-water work is proposed in a perennial stream, this project is not likely to impact this species.

The project area may contain suitable habitat for the sandhill crane. Unless coordination with the ODNR reflects differently, the Applicant shall avoid construction in grassland, prairie, or wetland habitat during the species' nesting period of April 1 to September 1.

The project area may contain suitable habitat for the upland sandpiper. Unless coordination with the ODNR reflects differently, the Applicant shall avoid construction in dry grasslands including native grasslands, seeded grasslands, grazed and ungrazed pasture, hayfields, and grasslands established through the Conservation Reserve Program during the species' nesting period of April 15 to July 31.

In order to conduct tree-clearing between April 1 and September 30, the Applicant conducted a mist-net survey for the Preferred Site and found no Indiana bats or Northern long-eared bats. The ODNR and the USFWS concurred with the Applicant's survey. Therefore, no adverse impacts to either of the listed species would be anticipated. Should the project be constructed at the Alternate Site, the Applicant has committed to conducting a further review to determine if impacts to these species would occur as a result of the project.

No additional impacts to state and federally-listed species are anticipated for the project.

All Staff recommendations for the requirements discussed in this section can be found under the **Ecological Conditions** of the Recommended Conditions of Certificate.

## **Public Services, Facilities, and Safety**

### *Roads and Bridges*

The Preferred Site is not located within 1,000 feet of any major highways or railroads. The Alternate Site is located within 1,000 feet of State Route 57. Equipment deliveries to either site would be accomplished primarily by utilizing existing local roads. The Applicant would minimize impacts by complying with load limits as required by local jurisdictions. The Applicant's construction vehicles would access the west side of the Preferred Site via State Route 57, Schaden Road, and Freedom Court. Construction deliveries to the east side of the Preferred Site would follow along State Route 57 and Beechwood Drive. Construction deliveries to the Alternate Site would be made using State Route 57. The Applicant would need to construct a permanent access road at either site.

In order to ensure that roads and bridges are maintained during the course of construction, Staff recommends that the Applicant coordinate with appropriate authorities from Lorain County, Elyria Township, and the City of Elyria. The Applicant would repair any damaged public roads or bridges promptly to their previous condition under the guidance and authority of the appropriate county, township, or city authority. The Applicant would remove any temporary improvements needed for the construction of the substation, unless the appropriate regulatory agency requests that they remain.

### *Noise*

Most noise impacts associated with the proposed substation would be confined to the 16-month construction period. The Applicant proposes to mitigate noise impacts by ensuring all construction equipment mufflers are properly installed and that equipment receives proper maintenance. The transient nature of the construction activities and the Applicant's intention to limit construction to daylight hours on weekdays would further reduce impacts to neighbors.

The Applicant has performed a noise model calculation based on expected operation of voltage transformers and their ratings. The vast majority of operational noise at the substation would be due to voltage transformers. The substation would be equipped with two 138/345 kV forced air voltage transformers. The results of the noise modeling software predicts the noise levels at the residence closest to the Preferred and Alternate sites. The highest predicted overall sound level at the closest residence to the Preferred Site would be 50.4 decibels (A-weighted) (dBA) and would occur during the morning period of 6:00 to 8:00 a.m. The highest predicted overall sound level at the closest residence to the Alternate Site would be 54.4 dBA and would also occur during the morning period of 6:00 to 8:00 a.m. Operational sound level contours, which show the expected decibels for the substation project, are included in Figures 06-7 and 06-8 of the application.

In order to specifically minimize impacts during operation and maintenance, the Applicant proposes to locate the transformers at both proposed sites as far from neighboring residences as possible. The Applicant also proposes to install transformers rated 10-decibels lower than typical industry standard transformers. The transformer layout and utilization of reduced noise transformers would minimize noise emissions during operations. The Applicant also proposes to install additional landscaping adjacent to the substation's southeast fence line in order to abate noise.

During operation, corona noise may also be present, but is generally considered insignificant because rain and other noises tend to mask corona noise. The Applicant would periodically conduct

inspections and maintenance of substation equipment which could cause temporary increases in noise levels.

Operation and maintenance of the substation would have little impact on the surrounding land use. A minimal increase in background noise from the substation equipment is likely during operation. In order to further minimize potential adverse impacts associated with increased noise levels, Staff recommends that the Applicant prepare a vegetation mitigation plan that addresses the noise impacts of the facility in consultation with affected property owners. Staff also recommends that the Applicant include procedures in its complaint resolution process for resolving noise complaints.

#### *Safety*

The Applicant will comply with safety standards set by the Occupational Safety and Health Administration, the PUCO, NERC Reliability Standards, and equipment specifications. The Applicant will design the facility to meet the requirements of the National Electric Safety Code.

#### *Communications*

The Applicant does not expect radio or television interference to occur from the operation of the proposed substation. Any source of radio or television interference would be a localized effect primarily from defective hardware that should be easily detected and replaced. The Applicant states that its substation engineers are unaware of radio and television interference being an operating issue at its existing substations. However, due to the proximity of nearby residences that may be affected, Staff recommends that the Applicant mitigate any effects or degradation caused by facility operation or placement.

#### **Recommended Findings**

The Staff recommends that the Board find that the nature of the probable environmental impact has been determined for the proposed facility, and therefore complies with the requirements specified in ORC Section 4906.10(A)(2), provided that any certificate issued by the Board for the proposed facility include the conditions specified in the section of this staff report entitled Recommended Conditions of Certificate.

### **Considerations for ORC Section 4906.10(A)(3)**

#### **Minimum Adverse Environmental Impact**

Pursuant to ORC Section 4906.10(A)(3), the proposed facility must represent the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, along with other pertinent considerations.

##### **Site Selection**

The Applicant's site selection process led to the identification of a project area of approximately nine square miles within the vicinity of the intersection of the Applicant's existing 345 kV and 138 kV transmission lines. Once the project area was determined, the subsequent objective involved determining suitable sites with as few impacts to the surrounding land uses as possible. This entailed identifying potentially sensitive areas and land uses. The Applicant retained a consultant to conduct a methodical, iterative site selection study to identify the Preferred and Alternate sites. Initially, 12 potential sites were selected for study. These sites were chosen because they lacked significant development and were composed principally of open space, forested areas, or brownfields. This precluded ecological and cultural features as being constraints to the project. Further factors in choosing the 12 potential sites involved proximity to existing energy infrastructure, site access, and reducing impacts to surrounding land uses. Characteristics for each of the 12 potential sites were reviewed, and six of the sites were chosen for additional study. The final two sites were determined by visual surveys, property acquisition review, and analysis of electrical engineering constraints.

##### **Minimizing Impacts**

Foremost among the Applicant's concerns was a desire to find a location of sufficient space and proximity to potential transmission line interconnections. Priority was given to potential sites that were previously impacted and/or possessed suitable vegetative screening.

Both the Preferred and Alternate sites are zoned as light industrial, with adequate supporting roads nearby. The soils at the Preferred Site are more suitable for construction, as the Alternate Site has been previously quarried of bedrock materials. The Alternate Site would require more extensive grading and foundation preparation.

Ecologically, both sites present similar potential impacts. There are minor wetland and stream impacts at each site. These impacts would be addressed by the Applicant's utilization of best management practices during construction and adherence to appropriate federal and state permits. The Applicant has surveyed the project area for endangered and threatened species. Staff recommends conditions to avoid construction in sandhill crane and upland sandpiper habitat during nesting periods.

The Preferred Site is more centrally located to existing transmission lines, thus requiring shorter and less invasive interconnections. These interconnections would be subject to the Board's Letter of Notification process in separate filings. Of significant note, construction of the Alternate Site is compromised by the proposed substation layout which is directly underneath an existing 345 kV transmission line. Construction underneath an existing transmission line is feasible. However, it is not a preferred engineering practice as the Applicant would need to request multiple and extended transmission line outages. The substation layout at the Alternate Site was arrived at during

negotiations with the landowner as a solution that would minimize impacts to future quarry operations.

Neither site is expected to significantly impact institutional facilities or cultural resources. There are five residences in proximity to the Preferred Site that are expected to experience significant alteration of their aesthetic experiences. The residence closest to the southeast corner of the substation is also expected to experience a minor increase in noise during substation operation. Aesthetic and noise impacts are on a varying scale for these five houses, and their impacts can be effectively rectified by a vegetative mitigation plan. Staff recommends that the Applicant be required to prepare a vegetative mitigation plan that addresses these residential impacts.

### **Conclusion**

Installation of the proposed substation would significantly enhance the surrounding area's electrical reliability and potential for economic growth. Construction and operation of the substation would present minimal impacts to nearby land uses. Both the Preferred and Alternate sites are viable and can be constructed.

The Preferred Site is owned by the Applicant, which would minimize any potential delay that could result from property acquisition activities. From an engineering standpoint, soils and existing topography are more suitable for construction at the Preferred Site. The critical concern is the need to take multiple and longer outages during construction on the Alternate Site. Staff recommends that the Board approve construction of the substation facility on the Preferred Site.

### **Recommended Findings**

The Staff recommends that the Board find that the proposed facility represents the minimum adverse environmental impact, and therefore complies with the requirements specified in ORC Section 4906.10(A)(3), provided that any certificate issued by the Board for the proposed facility include the conditions specified in the section of this staff report entitled Recommended Conditions of Certificate.



## **Considerations for ORC Section 4906.10(A)(4)**

### **Electric Grid**

Pursuant to ORC Section 4906.10(A)(4), the Board must determine that the proposed electric facilities are 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 facilities will serve the interests of electric system economy and reliability.

The purpose of this section is to evaluate the impact of integrating the proposed facility into the existing regional transmission grid. The present system services 110 MW of new load added by Republic Steel in late 2014 and an existing load of 105 MW by USS KOBE Steel. With the increased load, ATSI is unable to maintain reliability. The 110 MW increase in load, along with the new electric arc furnace, has caused a need to enhance power quality (to avoid situations such as voltage flicker) and reduce power flows.

Analysis shows that without the proposed facility and during certain N-1 or N-1-1 contingencies, ATSI would be unable to maintain compliance with internal standards as well as NERC and PJM reliability criteria.

The proposed station will:

- Reduce loading on the Black River-Beaver 138 kV Transmission Line, the Henrietta-Johnson 69 kV Transmission Line, and the Avon 345-138 kV transformers;
- Reduce potential voltage flicker, increase available capacity, and improve reliability in the Lorain area; and,
- Improve the local power quality under NERC Category B (loss of a single bulk electric system element, N-1) with local generation unavailable.

### **FirstEnergy, NERC, and PJM Planning Criteria**

NERC is responsible for the development and enforcement of the federal government's approved Reliability Standards, which are applicable to all owners, operators, and users of the bulk power system. The bulk electric system, with the exception of a few exclusions, is defined as, all Transmission Elements operated at 100 kV or higher and Real Power and Reactive Power resources connected at 100 kV or higher, with specified inclusions and exclusions.<sup>15</sup> NERC requires transmission planners of the bulk electric system to meet Reliability Standards TPL-001-0.1 through TPL-004-0 under transmission outage conditions for categories A, B, C, and D contingencies.<sup>16</sup> According to NERC, a contingency is an unexpected failure or outage of a system component, such as a generator, transmission line, circuit breaker, switch, or other electrical element. Below is a partial list of the NERC categories and their meanings:

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<sup>15</sup> "Federal Energy Regulatory Commission Order Approving Revised Definition," Docket No. RD14-2-000, 146 FERC ¶ 61,199, March 20, 2014. See also, "Glossary of Terms Used in NERC Reliability Standards (Updated May 19, 2015)," North American Electric Reliability Corporation, accessed July 21, 2015, [http://www.nerc.com/files/glossary\\_of\\_terms.pdf](http://www.nerc.com/files/glossary_of_terms.pdf).

<sup>16</sup> "Reliability Standards, Transmission Planning (TPL-001-0.1-TPL-004-0)," North American Electric Reliability Corporation, accessed July 21, 2013, <http://www.nerc.com/pa/stand/Pages/ReliabilityStandardsUnitedStates.aspx?jurisdiction=United States>.

- Category A (no contingencies, all facilities in-service, system normal);
- Category B (loss of a single bulk electric system element, N-1), the planning authority and transmission planner shall demonstrate that the interconnected transmission system can operate to supply projected customer demands and firm transmission service at all demand levels over the range of forecast system demand; and,
- Category C (loss of two or more bulk electric system elements, N-1-1), the planning authority shall demonstrate that the interconnected transmission system can operate to supply projected customer demands and firm transmission service at all demand levels over the range of forecast system demand and may rely upon the controlled interruption of customers or curtailment of firm transmission service. The N-1-1 criterion anticipates that a second N-1 contingency will occur on the system after the first N-1 event occurs.

In addition to complying with NERC Reliability Standard requirements and PJM requirements, ATSI follows internal transmission planning criteria to plan their system. The planning criterion is required by law. The ATSI criterion complies with NERC Reliability Standards and PJM planning and operating manuals for the bulk electric system. This figure highlights a portion of ATSI's planning criteria:<sup>17</sup>

ATSI Transmission Planning Criteria		
System Condition	Voltage Limits	Thermal Performance
Normal	345kV & 138 kV: .95 - 1.05 per unit ( <i>&lt; 70 kV: .92 - 1.05 per unit, &lt; 26 kV .92 - 1.075 per unit</i> )	No facility may exceed its seasonal normal rating
Contingency	345 kV: .92 - 1.05 per unit 138 kV: .92 - 1.05 per unit (non-bulk electric system .90 - 1.05 per unit)  All Remaining Voltage Levels: .90 - 1.05 (.90 - 1.075 for 25/23 kV) per unit	N-1: Not to exceed seasonal short-term emergency rating or additionally, non-bulk electric system, not to exceed long-term emergency rating for transformers  N-2: Not to exceed seasonal short-term emergency rating

<sup>17</sup> FirstEnergy Transmission Planning Criteria. Document available from OPSB staff upon request.

### Load Flow Analysis

ATSI used a 2016 PJM Regional Transmission Expansion Plan base case and a 2012 series, ERAG/MMWG base case with the loads projected to the 2019 summer peak to analyze system load flows. Staff reviewed the transcription diagram, which displayed the power flows on the system, with and without the project in-service. Analysis shows that without the facility, and under certain single and double contingencies, the system is overloaded and has voltage flicker (power quality) issues. Without the proposed facility ATSI would be unable to maintain compliance, violating ATSI, NERC and PJM planning criteria.

The tables below display the reduced loading on select transmission elements during an N-1 or N-1-1 outage with the proposed facility in-service.

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#### SYSTEM VIOLATIONS UNDER SINGLE CONTINGENCY (N-1): *Lake Avenue Substation In-Service*

Transmission Element(s)	Maximum Unloading (%)
Black River-Beaver 138 kV Line for over 100 single contingency 138 kV line outages	33
Henrietta-Johnson 69 kV Line	24
Beaver-Black River 138 kV Line for five contingency conditions	31.4
For the loss of one of the Avon 345-138 kV transformers, loading on the Avon 345-138 kV transformers	14.3

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#### SYSTEM VIOLATIONS UNDER DOUBLE CONTINGENCY (N-1-1): *Lake Avenue Substation In-Service*

Transmission Element(s)	Maximum Unloading (%)
138-69 kV transformers at Wellington, Carlisle, and Henrietta Substations and the corresponding 69 kV lines into the Lorain area	12.3
Avon 345-138 kV transformers, for various breaker failures at Beaver, Black River, and Carlisle Substations	13.4
Beaver-Black River 138 kV Line, under 28 different breaker failures and seven different tower outages	39.8

### Power Quality Criteria: Voltage Flicker

Power-line flicker can be visualized by a change in the brightness of a lamp due to rapid fluctuations in the voltage. Power system flicker can be generated by an electric arc furnace, and the amount of flicker would be inversely proportional to the available short circuit current. That is, the higher the available short circuit current, the less voltage flicker will likely be produced by a given arc furnace.

ATSI designs and operates its electric transmission system to meet certain criteria during normal system conditions including a generating unit outage. The flicker measurements are described in IEEE Standard 1453-2004, "IEEE Recommended Practice for Measurement and Limits of Voltage Fluctuations and Associated Light Flicker on AC Power Systems."

Short circuit current at the Black River Substation will be increased by 35 to 40 percent with the addition of the proposed Lake Avenue Substation. This will help ensure reliability when Republic Steel is operating its electric arc furnace without causing voltage flicker (power quality) problems.

## **PJM**

The proposed facility was identified as a supplemental RTEP project by PJM.<sup>18</sup> Approval was granted by the PJM Board. The Applicant's supplemental project was assigned the upgrade identification number "s0663." The construction status of transmission projects can be tracked on PJM's website.<sup>19</sup>

## **Conclusion**

The Applicant provided details on load flow studies that were performed by ATSI. The study demonstrated that, without the proposed facility, ATSI would be unable to provide safe, reliable electric service. In addition, ATSI would be unable to comply with the federal Reliability Standards. The proposed facility is a PJM RTEP supplemental project approved by the PJM Board, and needed to maintain system reliability. The proposed facility is consistent with plans for expansion of the regional power system, and serves the interests of electric system economy and reliability.

## **Recommended Findings**

The 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 interests of electric system economy and reliability. Therefore, the facility complies with the requirements specified in ORC Section 4906.10(A)(4), provided that any certificate issued by the Board for the proposed facilities include the conditions specified in the section of this staff report entitled Recommended Conditions of Certificate.

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<sup>18</sup> "2014 Regional Transmission Expansion Plan," PJM Interconnection, 257, accessed July 16, 2015, <http://pjm.com/documents/reports/rtep-documents/2014-rtep.aspx>.

<sup>19</sup> "Transmission Construction Status," PJM Interconnection, accessed July 16, 2015, <http://pjm.com/planning/rtep-upgrades-status/construct-status.aspx>.

## **Considerations for ORC Section 4906.10(A)(5)**

### **Air, Water, Solid Waste, and Aviation**

Pursuant to ORC Section 4906.10(A)(5), the facility must comply with specific sections of the ORC regarding air and water pollution control, withdrawal of waters of the state, solid and hazardous wastes, and air navigation.

#### **Air**

Air quality permits are not required for construction of the proposed facility. However, fugitive dust rules adopted pursuant to the requirements of ORC Chapter 3704 (air pollution control laws) may be applicable to the proposed facility. The Applicant would control fugitive dust through dust suppression techniques such as irrigation, mulching, or the application of tackifier resins. These methods of dust control would be sufficient to comply with fugitive dust rules.

#### **Water**

Neither construction nor operation of the proposed facility would require the use of significant amounts of water, so the requirements under ORC Sections 1501.33 and 1501.34 are not applicable to this project.

The Applicant intends to submit a Notice of Intent for coverage under the Ohio EPA's National Pollutant Discharge Elimination System General Permit and a related SWPPP. This SWPPP would be developed for the project pursuant to the Ohio EPA regulations and would conform to the ODNR's Rainwater and Land Development Manual. It would include a detailed construction access plan. The Applicant's adherence to the SWPPP, as well as the use of best management practices for construction activities, would help minimize any erosion-related impacts to streams and wetlands.

The Applicant has indicated they will coordinate with the USACE to obtain a Section 404 Dredge and Fill Permit for impacts to drainage at the Preferred and Alternate sites. The Applicant anticipates that the specific USACE Section 404 Dredge and Fill Permit coverage that will apply is the USACE Nationwide Permit Number 12 (NWP12) for wetland and stream impacts associated with construction. At the Preferred Site, approximately 0.275 acres of one category 2 wetland would be impacted, along with relocating approximately 0.058 acres of one drainage ditch that is potentially under the jurisdiction of the USACE. Since the wetland being impacted at the Preferred Site is a category 2 wetland, based on the Ohio EPA wetland classification system, the project would also require a Section 401 Water Quality Certification issued by the Ohio EPA (Ohio EPA 401 WQC). Also, the Alternate Site would also likely be permitted under a NWP12 and receive the automatic Ohio EPA 401 WQC, because impacts are approximately 0.096 acres of two category 1 wetlands.

Wetlands, streams, and other environmentally-sensitive areas would be clearly identified by the Applicant before commencement of clearing or construction. No construction or access would be permitted in these areas unless clearly specified in the application, thus minimizing any clearing-related disturbance to surface water bodies. Construction of the proposed facility would comply with requirements of ORC Chapter 6111, and the rules and laws adopted under this chapter.

### **Solid Waste**

The Applicant indicates that solid waste generated from construction activities would be disposed of in accordance with local regulations. Typical solid wastes include conductor scrap, construction material packaging, and used stormwater erosion control materials. Clearance poles, conductor reels, and other materials that have salvage value would be removed from the construction area for reuse or salvage. The Applicant estimates that approximately 150 cubic yards of construction debris would be generated from the project.

Any contaminated soils discovered or generated during construction would be handled in accordance with applicable regulations. The Applicant states that all on-site vehicles would be monitored for leaks and receive regular preventative maintenance to reduce the chance of leakage. Workers would follow manufacturer's recommendations for any spill cleanup and report spills to the appropriate government agency. Petroleum products would be stored in tightly-sealed, clearly-labeled containers. On-site fuel storage tanks would utilize secondary containment. The Applicant's solid waste disposal plans comply with solid waste disposal requirements in ORC Chapter 3734, and the rules and laws adopted under this chapter.

### **Aviation**

The nearest airport to the proposed facility is a private airstrip, Richards Airport, located approximately 4,900 feet southeast of the Preferred Site and 4,000 feet southeast of the Alternate Site. The tallest substation structures are anticipated to be the 345 kV dead end structures, approximately 90 feet in height. The Applicant states that based on Federal Aviation Administration (FAA) criteria for obstructions, the proposed Preferred and Alternate sites would not present a conflict with Richards Airport, FAA-regulated airports, or navigable airspace.

In accordance with ORC Section 4561.32, Staff contacted the Ohio Office of Aviation during the review of this application in order to coordinate review of potential impacts of the facility on local airports. As of the date of this staff report, no such concerns have been identified.

### **Recommended Findings**

The Staff finds that the proposed facility complies with the requirements specified in ORC Section 4906.10(A)(5), provided that any certificate issued by the Board for the certification of the proposed facility include the conditions specified in the section of this staff report entitled Recommended Conditions of Certificate.

### **Considerations for ORC Section 4906.10(A)(6)**

#### **Public Interest, Convenience, and Necessity**

Pursuant to ORC Section 4906.10(A)(6), the Board must determine that the facility will serve the public interest, convenience, and necessity.

The purpose of the proposed facility is to maintain and enhance the quality of residential, industrial, and commercial electric service and reliability of the bulk electric system in the greater Elyria-Lorain, Ohio area for the foreseeable future. The project would also support new industrial load growth in the area. The substation would allow ATSI to better serve the recently added new load of 110 MW at the Republic Steel's Lorain facility.

#### **Public Interaction**

The Applicant held a public informational meeting for this project on January 5, 2015 at FirstEnergy's Service Center in Elyria. Attendees were provided the opportunity to speak with ATSI representatives concerning the proposed substation and view maps of the proposed sites. Public notices regarding the meeting were sent to adjacent landowners and published in The Morning Journal and The Chronicle Telegram.

ATSI served copies of the application on public officials representing the City of Elyria, Elyria Township, and Lorain County and placed copies of the application at local libraries. ATSI plans to again contact local officials and adjacent property owners prior to commencing construction to advise them of project activities.

As of the date of this staff report, one written public comment regarding the proposed facility has been received by the Board. This comment, from an adjacent property owner who expressed concerns about construction of the substation at the Preferred Site, is available in the case record.

The Administrative Law Judge issued an entry on June 15, 2015, scheduling local public and adjudicatory hearings for this proceeding. The local public hearing, at which the Board will accept written or oral testimony from any person, is scheduled for 6:00 p.m. on August 12, 2015, at the Spitzer Conference Center, Room 117, Lorain County Community College, Main Campus, 1005 North Abbe Road, Elyria, Ohio. The adjudicatory hearing is scheduled for August 26, 2015 at 10:00 a.m. at the offices of the PUCO, Hearing Room 11-C, 11th Floor, 180 East Broad Street, Columbus, Ohio. As of the date of this staff report, no motions for intervention have been filed in this case.

#### **Electromagnetic Fields**

Transmission lines, when energized, generate EMF. Laboratory studies have failed to establish a strong correlation between exposure to EMF and effects on human health. However, there have been concerns that EMF may have impacts on human health.

Because these concerns exist, the Applicant is required to compute the EMF associated with the new circuits. The fields were computed based on the maximum loadings of the lines, which would lead to the highest EMF values that might exist at the proposed substation. The magnetic fields are a function of the electric current, the configuration of the conductors, and the distance from transmission lines. The electric field is a function of the voltage, the line configuration, and the distance from the substation.

With the application, ASTI filed a request with the Board for a waiver of the need to submit fully developed engineering and EMF information for the Alternate Site. Because engineering design was not completed for the Alternate Site, specific EMF calculations were not included. The Applicant states that EMF calculations for the Alternate Site should be similar to the Preferred Site.

Based on the Applicant's estimates, the overall magnetic fields at the substation fence line would be less than 163 milligauss, and the electric field at the fence line would be less than 1.66 kV/meter. The Applicant's EMF study anticipates EMF levels to be essentially at background levels at the southeast fence line. The magnetic field output is comparable to that of common household appliances. The maximum magnetic field scenarios for the Preferred Site are listed in the application.<sup>20</sup> Electric fields are produced by voltage or electric charge.

Daily current load levels would normally operate below the maximum load conditions, thereby further reducing nominal EMF values. The electric fields are easily shielded by physical structures such as the walls of a house, foliage, or earthen berms. The magnetic fields generated by the substation are attenuated very rapidly as the distance from them increases. Past experience has shown that within 100 feet of the fence line of a typical substation, the magnetic field is not of sufficient strength to be measureable because the background effects overwhelm the measurements. The nearest residence is more than 125 feet from the southeast fence line of the Preferred Site, and more than 600 feet from the Alternate Site. Therefore, the Applicant expects that EMF would not significantly affect residences near the Lake Avenue substation.

#### **Recommended Findings**

Staff recommends that the Board find that the proposed facility would serve the public interest, convenience, and necessity, and therefore complies with the requirements specified in ORC Section 4906.10(A)(6), provided that any certificate issued by the Board for the proposed facility include the conditions specified in the section of this staff report entitled Recommended Conditions of Certificate.

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<sup>20</sup> Application, Tables 06-3 to 06-5.



### **Considerations for ORC Section 4906.10(A)(7)**

#### **Agricultural Districts**

Pursuant to ORC Section 4906.10(A)(7), the Board must determine the facility's impact on the agricultural viability of any land in an existing agricultural district within the Preferred and Alternate sites of the proposed utility facility. The agricultural district program was established under ORC Chapter 929. Agricultural district land is exempt from sewer, water, and electrical service tax assessments. Agricultural land can be classified as an agricultural district through an application and approval process that is administered through the local county auditor's office. Eligible land must be devoted exclusively to agricultural production or be qualified for compensation under a land conservation program for the preceding three calendar years. Furthermore, eligible land must be at least 10 acres or produce a minimum average gross annual income of \$2,500.

There were no agricultural district land parcels identified within 1,000 feet of the Preferred or Alternate sites. No impacts to agricultural district land parcels are expected.

#### **Recommended Findings**

The Staff recommends that the Board find 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 ORC Section 4906.10(A)(7), provided that any certificate issued by the Board for the proposed facility include the conditions specified in the section of this staff report entitled Recommended Conditions of Certificate.

**Considerations for ORC Section 4906.10(A)(8)**

**Water Conservation Practice**

Pursuant to ORC Section 4906.10(A)(8), the proposed facility must incorporate maximum feasible water conservation practices, considering available technology and the nature and economics of the various alternatives.

Because the facility would not require the use of water for operation, the water conservation practice specified under ORC Section 4906.10(A)(8) is not applicable to the project.

**Recommended Findings**

The Staff recommends that the Board find that the requirements specified in ORC Section 4906.10(A)(8) are not applicable to this project.

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#### **IV. RECOMMENDED CONDITIONS OF CERTIFICATE**

Following a review of the application filed by ATSI and the record compiled to date in this proceeding, Staff recommends that a number of conditions become part of any certificate issued for the proposed facility. These recommended conditions may be modified as a result of public or other input received subsequent to issuance of this staff report.

##### **General Conditions**

Staff recommends the following conditions to ensure conformance with the proposed plans and procedures as outlined in the case record to date, and to ensure compliance with all conditions listed in this staff report:

- (1) The facility shall be installed at the Applicant's Preferred Site as presented in the application, and as modified and/or clarified by the Applicant's supplemental filings and further clarified by recommendations in this staff report.
- (2) The Applicant 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 this staff report.
- (3) The Applicant 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 this staff report.
- (4) 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 all 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. The Applicant may conduct separate-preconstruction meetings for each stage of construction.
- (5) At least 30 days prior to the preconstruction conference, the Applicant 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 the Applicant will work to mitigate or resolve any issues with those who submit either a formal or informal complaint and that the Applicant will immediately forward all complaints to Staff. The Applicant 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, 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, 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 the Applicant 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 to ensure compliance with this condition, prior to construction in those areas.
- (8) 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. If the Applicant 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. The Applicant 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 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.
- (10) 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.

### **Socioeconomic Conditions**

Staff recommends the following conditions to address the impacts discussed in the **Socioeconomic Impacts** subsection of the Nature of Probable Environmental Impact section of this staff report:

- (11) Prior to commencement of construction, the Applicant shall develop a public information program that informs affected property owners of the nature of the project, specific contact information of Applicant personnel who are familiar with the project, the proposed timeframe for project construction, and a schedule for restoration activities.
- (12) Prior to commencement of construction, the Applicant shall prepare a vegetative mitigation plan that addresses the aesthetic and noise impacts of the facility. Of special concern are the five residential properties that are located nearest to the southeast corner of the Preferred Site. The Applicant shall consult with those property owners in the development of this plan and provide the plan to Staff for review and confirmation that it complies with this condition.

### **Ecological Conditions**

Staff recommends the following conditions to address the impacts discussed in the **Ecological Impacts** subsection of the Nature of Probable Environmental Impact section of this staff report:

- (13) 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.

- (14) The Applicant shall have an 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 federally-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) Construction in upland sandpiper preferred nesting habitat types shall be avoided during the species' nesting period of April 15 to July 31.
- (17) Construction in sandhill crane preferred nesting habitat types shall be avoided during the species' nesting period of April 1 to September 1.

### **Public Services, Facilities, and Safety Conditions**

Staff recommends the following conditions to address the impacts discussed in the **Public Services, Facilities, and Safety** subsection of the Nature of Probable Environmental Impact section of this staff report:

- (18) The Applicant shall restrict public access to the facility with appropriately placed warning signs or other necessary measures.
- (19) 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. 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.
- (20) 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, hoe ram, and blasting 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. The Applicant

shall notify property owners or affected tenants within the meaning of OAC 4906-5-08(C)(3), of upcoming construction activities including potential for nighttime construction activities.

- (21) The Applicant shall meet all Federal Communications Commission and other federal agency requirements to construct an object that may affect radio or television communications. The Applicant shall mitigate any effects or degradation caused by facility operation or placement. For any residence that is shown to experience a degradation of television or radio reception or interference due to facility operation, the Applicant shall provide, at its own expense, cable or direct broadcast satellite television service or other mitigation acceptable to the affected resident(s).

### **Air, Water, Solid Waste, and Aviation Conditions**

Staff recommends the following conditions to address the impacts discussed in the **Air, Water, Solid Waste, and Aviation** section of this staff report:

- (22) 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 Stormwater 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 Ohio Environmental Protection Agency best management practices related to erosion and sedimentation control.
- (23) The Applicant shall employ the following erosion and sedimentation control measures, construction methods, and best management practices when working near environmentally-sensitive areas and/or when in close proximity to any watercourses, in accordance with the National Pollutant Discharge Elimination System permit(s) and Stormwater Pollution Prevention Plan obtained for the project:
- (a) During construction of the facility, seed all disturbed soil, 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 environmentally-sensitive areas.

- (f) Locate structures outside of identified watercourses, including wetlands, except at specific locations where construction has been approved.
- (g) Divert all stormwater 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.
- (24) 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 Stormwater Pollution Prevention Plan created for this project.
- (25) All construction debris and all contaminated soil shall be promptly removed and properly disposed of in accordance with Ohio Environmental Protection Agency regulations.
- (26) The Applicant shall comply with fugitive dust rules by the use of water spray or other appropriate dust suppressant measures whenever necessary.





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Columbus, Ohio 43215-3793

**BEFORE  
THE OHIO POWER SITING BOARD**

In the Matter of the Application of :  
American Transmission Systems, Inc. for : Case No. 14-2162-EL-BSB  
a Certificate of Environmental :  
Compatibility and Public Need for the :  
Construction of the Lake Avenue  
Substation Project.

**PREFILED TESTIMONY  
OF  
JAMES S. O'DELL  
SITING, EFFICIENCY, AND RENEWABLE ENERGY DIVISION  
RATES AND ANALYSIS DEPARTMENT  
OHIO POWER SITING BOARD**

Staff Exhibit 2

**August 21, 2015**

1 1. Q. Please state your name and your business address.

2 A. My name is James S. O'Dell, and my business address is 180 East Broad  
3 Street, Columbus OH 43215.

4  
5 2. Q. By whom are you employed and what is your position?

6 A. I am employed by the Public Utilities Commission of Ohio (Commission)  
7 as a senior Siting Specialist in the Siting, Efficiency and Renewable Energy  
8 Division of the Commission's Rates and Analysis Department.

9  
10 3. Q. Please summarize your educational background and work experience.

11 A. I hold Bachelor's Degrees from The Ohio State University in Political  
12 Science (1988) and Sociology (1997). Additionally, I received a Master's  
13 Degree in City and Regional Planning from The Ohio State University in  
14 1992. I also have significant course work completed towards a Master's  
15 Degree in Public Policy from Central Michigan University.

16  
17 I have been employed by the Commission since 1991. I have worked  
18 almost exclusively on power siting activities during that time. I have devel-  
19 oped analysis for over 250 cases before the Ohio Power Siting Board  
20 (Board). My responsibilities typically include application review and the  
21 preparation of analysis for major utility facilities in Ohio. Additionally, I

1 process and review minor filings such as Letters of Notification and Con-  
2 struction Notices. In the past, I also have been the primary author for the  
3 Board's annual reports. I have been the lead analyst in excess of 40 appli-  
4 cations, responsible for the preparation of staff reports and coordination of  
5 Staff review and field work for major utility facilities.

6  
7 4. Q. Have you testified in prior proceedings before the Ohio Power Siting  
8 Board?

9 A. Yes. Most recently, I testified as the lead analyst for the Avon Lake Gas  
10 Addition Project, Case Number 14-1717-GA-BLN.

11  
12 5. Q. What is the purpose of your testimony in this proceeding?

13 A. I am sponsoring the Staff Report of Investigation (Staff Report) that was  
14 filed in the docket of this case on July 28, 2015. I was the Staff project lead  
15 on this case, and managed the Staff investigation and preparation of the  
16 Staff Report.

17  
18 6. Q. What kind of a case is this?

19 A. The Applicant proposes to construct, own, operate, and maintain the Lake  
20 Avenue Substation in Elyria, Lorain County, Ohio. The project is needed  
21 to support the quality of residential, industrial, and commercial electric

1 service and reliability of the bulk electric system in the greater Elyria-  
2 Lorain, Ohio area for the foreseeable future.

3

4 7. Q. Do you have any changes or corrections to make to the Staff Report of  
5 Investigation?

6 A. No.

7

8 8. Q. Does this conclude your testimony?

9 A. Yes, it does. However, I reserve the right to submit supplemental testi-  
10 mony as described herein, as new information subsequently becomes avail-  
11 able or in response to positions taken by other parties.

### **PROOF OF SERVICE**

I hereby certify that a true copy of the foregoing Prefiled Testimony of **James S. O'Dell** submitted on behalf of the Staff of the Ohio Power Siting Board, was served via electronic mail upon applicant's counsel, Robert J. Schmidt, Porter, Wright, Morris & Arthur, 41 South High Street, Columbus, Ohio, 43215, [rschmidt@porterwright.com](mailto:rschmidt@porterwright.com), this 21<sup>st</sup> day of August, 2015.

*/s/ John H. Jones*

**John H. Jones**

Assistant Attorney General

**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 14-2162-EL-BSB**

Summary: Testimony Prefiled Testimony of James S. O'Dell submitted by Assistant Attorney General John Jones on behalf of the Staff of the Ohio Power Siting Board. electronically filed by Kimberly L Keeton on behalf of Ohio Power Siting Board

BEFORE THE  
OHIO POWER SITING BOARD

In The Matter Of: The Application by	)	
American Transmissions Systems,	)	Case Number: 14-2162-EL-BSB
Incorporated, for a Certificate of	)	
Environmental Compatibility and Public	)	
Need for the Lake Avenue Substation	)	

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**JOINT STIPULATION AND RECOMMENDED FINDINGS OF FACT AND  
CONCLUSIONS OF LAW**

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Applicant, American Transmission Systems, Incorporated ("Applicant" or "ATSI") is proposing to construct the Lake Avenue Substation to support ATSI's electric system in the Project Area in the City of Elyria, Lorain County, Ohio. The project is needed to support the quality of residential, industrial and commercial electric service and reliability in the greater Elyria-Lorain, Ohio area. To resolve this need, ATSI is proposing to construct the Lake Avenue Substation. The proposed Lake Avenue Substation will provide 345kV to 138kV transformation and support the bulk transmission system in the Project Area.

The Applicant filed an Application for a Certificate of Compatibility and Public Need for the Construction of the Lake Avenue Substation Project ("Application"), Case No. 14-2162-EL-BSB, on March 6, 2015.

**I. INTRODUCTION**

The Project is described in ATSI's Application for the Lake Avenue Substation, Case No. 14-2162-EL-BSB, filed on March 6, 2012. This Joint Stipulation results from discussions between ATSI and Staff, who agree that this Joint Stipulation and Recommendation is supported by the record and is therefore entitled to careful consideration by the Board. Accordingly, ATSI and Staff recommend that the Board issue a Certificate of Environmental Compatibility and Public Need ("Certificate") for the Preferred Substation Site, as identified in the Application and





subject to the conditions described in this Joint Stipulation. There are no other parties to these proceedings.

## **II. STIPULATIONS**

### **A. Recommended Findings of Fact**

ATSI and Staff agree that the record in this case, which consists of the Application, the *Staff Report of Investigation*, and any testimony and documentary evidence submitted during the evidentiary hearing, contains sufficient probative evidence for the Board to find and determine, as findings of fact, that:

(1) Applicant American Transmission Systems, Incorporated is a wholly owned subsidiary of FirstEnergy Corp. ATSI owns and operates its electric transmission system within the State of Ohio.

(2) The proposed Lake Avenue Substation is a “major utility facility,” as defined in Section 4906.01(B)(2) of the Ohio Revised Code.

(3) ATSI held a public informational meeting prior to filing the Application. The public informational meeting was held on January 5, 2014 from 6:00-8:00 pm in the first floor conference room at the Ohio Edison Company Elyria Service Center located at 6326 Lake Avenue in Elyria, Ohio 44035.

(4) On December 29, 2014 and January 5, 2014, Applicant filed proof of publication of notice of the public information meeting. The public notices were published in *The Chronical Telegram* and *The Morning Journal* on December 23, 2014.

(5) On March 6, 2015, Applicant filed a request for a partial waiver of the application requirement set forth in Admin. Code. § 4906-15-06(E)(2)(a) for fully developed EMF data on the Alternate Site.

(6) On May 28, 2015, Staff filed a letter of notification indicating Staff did not object to Applicant's request for partial waiver, but reserved the right to request information from the Applicant in areas covered by the requested waiver if determined to be necessary during the course of the investigation.

(7) On March 6, 2015, the Applicant filed the Application for the proposed Lake Avenue Substation Project with the Board, initiating the completeness review process.

(8) On May 11, 2015, the Board notified Applicant that the Application was complete.

(9) On May 20, 2015, Applicant filed proof of service notice of accepted and complete Application on local government officials.

(10) On June 15, 2015 and June 16, 2015, by Entries, the Administrative Law Judge set the effective date for the filing of the application as June 12, 2015 and scheduled a local public hearing in this matter for August 12, 2015, at 6:00 p.m., at the Spitzer Conference Center, Room 117, Lorain County Community College, Main Campus, 1005 North Abbe Road, Elyria, Ohio 44035, and an adjudicatory hearing for August 26, 2015 at 10:00 a.m., 11th floor. Hearing Room 11-C, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.

(11) On July 1, 2015, Applicant filed proof of publication of the first newspaper notice required to be published pursuant to Admin. Code §§ 4906-5-08(C)(1) and 4906-5-09(A). The public notices were published in *The Chronical Telegram* and *The Morning Journal* on June 24, 2015.

(12) On May 20, 2015, Applicant filed an affidavit stating that, in accordance with Admin. Code § 4906-5-06, the mailing list required to be sent to each public official entitled to service of

the Application pursuant to Admin. Code § 4906-5-08(C)(3) was sent to each public official by UPS delivery, return signature requested, on May 15, 2015.

(13) On July 28, 2015, Staff issued and filed its “Staff Report of Investigation” for the proposed Lake Avenue Substation Project, recommending that a Certificate of Environmental Compatibility and Public Need be issued for the Preferred Substation Site, as described in the Application (“Preferred Site”), and subject to all conditions enumerated within the Staff Report.

(14) On July 30, 2015, Applicant filed proof of publication of the second newspaper notice required to be published pursuant to Admin. Code §§ 4906-5-08(C)(2) and 4906-5-09(B). The public notices were published in *The Chronical Telegram* and *The Morning Journal* on July 29, 2015.

(15) A public hearing was held on August 12, 2015 at 6:00 p.m., at the Spitzer Conference Center, Room 117, Lorain County Community College, Main Campus, 1005 North Abbe Road, Elyria, Ohio 44035.

(16) An adjudicatory hearing will be held on August 26, 2015 at 10:00 a.m., 11th floor, Hearing Room 11-C, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.

(17) Adequate data on the proposed Lake Avenue Substation Project has been provided to the Board and Staff to determine the basis of the need for the proposed facility, as required by Section 4906.10(A)(1) of the Ohio Revised Code.

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

(19) Adequate data on the proposed Lake Avenue Substation Project has been provided to the Board and Staff to determine that the Preferred Site described 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.

(20) Adequate data on the proposed Lake Avenue Substation Project has been provided to the Board and its Staff to determine that construction of the proposed substation 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 will serve the interests of electric system economy and reliability in compliance with Section 4906.10(A)(4) of the Ohio Revised Code.

(21) Adequate data on the proposed Lake Avenue Substation Project has been provided to the Board and its Staff to determine that the proposed facility will comply with Chapters 3704, 3734 and 6111 of the Ohio Revised Code, Sections 1501.33 and 1501.34 and 4561.32 of the Ohio Revised Code, and all regulations adopted thereunder, all as required by Section 4906.10(A)(5) of the Ohio Revised Code.

(22) Adequate data on the proposed Lake Avenue Substation Project has been provided to the Board and its Staff to determine that the proposed facility will serve the public interest, convenience and necessity, as required by Section 4906.10(A)(6) of the Ohio Revised Code.

(23) Adequate data on the proposed Lake Avenue Substation Project has been provided to the Board and its Staff to determine the proposed facility'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, as required by Section 4906.10(A)(7) of the Ohio Revised Code.

(24) Adequate data on the proposed Lake Avenue Substation Project has been provided to the Board and its Staff to determine that 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 proposed Lake Avenue Substation Project.

(25) The information, data and evidence in the record of this proceeding provides substantial and adequate evidence and information to enable the Board to make an informed decision on the Application for the proposed Lake Avenue Substation Project.

**B. Recommended Conclusions of Law**

ATSI and Staff 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) Applicant ATSI is a “person” under Section 4906.01(A) of the Ohio Revised Code.

(2) The proposed Lake Avenue Substation is a “major utility facility” as defined by Section 4906.01(B)(2) of the Ohio Revised Code.

(3) ATSI’s Application, filed on March 6, 2015, complies with the requirements of Admin. Code §§ 4906-15-01 *et seq.*

(4) The record establishes the need for the proposed Lake Avenue Substation 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 proposed Lake Avenue Substation Project, as required by Section 4906.10(A)(2) of the Ohio Revised Code.

(6) The record establishes that the Preferred Site for the Lake Avenue Substation Project, if conditioned in the Certificate as recommended by ATSI and Staff, 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 Preferred Site for the Lake Avenue Substation Project, if conditioned in the Certificate as recommended by ATSI and Staff, 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 will serve the interests of electric system economy and reliability in compliance with Section 4906.10(A)(4) of the Ohio Revised Code.

(8) The record establishes that the Preferred Site for the Lake Avenue Substation, if conditioned in the Certificate as recommended by ATSI and Staff, will comply with Chapters 3704, 3734, and 6111 of the Ohio Revised Code, and all rules and regulations 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.

(9) The record establishes that the Lake Avenue Substation Project will serve the public interest, convenience and necessity, as required by Section 4906.10(A)(6) of the Ohio Revised Code.

(10) The record establishes the impact of the proposed Lake Avenue Substation Project on the viability as agricultural land of any land in an existing agricultural district established under Chapter 929 of the Ohio Revised Code, as required by Section 4906.10(A)(7) of the Ohio Revised Code.

(11) The record establishes that no agricultural district parcels are located within the project areas and, thus, the proposed Lake Avenue Substation Project will have no impact on existing agricultural districts.

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

ATSI and Staff jointly recommend that the Board issue a Certificate of Environmental Compatibility and Public Need for the Preferred Substation Site, as described in the Application, and subject to all of the following conditions:

(1) The facility shall be installed at the Applicant's Preferred Site as presented in the application, and as modified and/or clarified by the Applicant's supplemental filings and further clarified by recommendations in the *Staff Report of Investigation*.

(2) The Applicant 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 of Investigation*.

(3) The Applicant 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 of Investigation*.

(4) 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 all 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. The Applicant may conduct separate preconstruction meetings for each stage of construction.

(5) At least 30 days prior to the preconstruction conference, the Applicant 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 the Applicant will work to mitigate or resolve any issues with those who submit either a formal or informal complaint and that the Applicant will immediately forward all complaints to Staff. The Applicant 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, 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, 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 the Applicant 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 to ensure compliance with this condition, prior to construction in those areas.



(8) 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. If the Applicant 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. The Applicant 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 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.

(10) 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.

### **SOCIOECONOMIC CONDITIONS**

ATSI and Staff recommend the following conditions to address the impacts discussed in the **Socioeconomic Impacts** section of the Nature of Probable Environmental Impact of the *Staff Report of Investigation*:

(11) Prior to commencement of construction, the Applicant shall develop a public information program that informs affected property owners of the nature of the project, specific contact information of Applicant personnel who are familiar with the project, the proposed timeframe for project construction, and a schedule for restoration activities.

(12) Prior to commencement of construction, the Applicant shall prepare a vegetative mitigation plan that addresses the aesthetic and noise impacts of the facility. Of special concern

are the five residential properties that are located nearest to the southeast corner of the Preferred Site. The Applicant shall consult with those property owners in the development of this plan and provide the plan to Staff for review and confirmation that it complies with this condition.

### **ECOLOGICAL CONDITIONS**

ATSI and Staff recommend the following conditions to address the impacts discussed in the **Ecological Conditions** section of the Nature of Probable Environmental Impact of the *Staff Report of Investigation*:

(13) 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.

(14) The Applicant shall have an 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 federally-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) Construction in upland sandpiper preferred nesting habitat types shall be avoided during the species' nesting period of April 15 to July 31.

(17) Construction in sandhill crane preferred nesting habitat types shall be avoided during the species' nesting period of April 1 to September 1.

#### **PUBLIC SERVICES, FACILITIES, AND SAFETY CONDITIONS**

ATSI and Staff recommend the following conditions to address the impacts discussed in the **Public Services, Facilities, and Safety** section of the Nature of Probable Environmental Impact the *Staff Report of Investigation*:

(18) The Applicant shall restrict public access to the facility with appropriately placed warning signs or other necessary measures.

(19) 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. 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.

(20) 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, hoe ram, and blasting 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. The Applicant shall notify property owners or affected tenants within the meaning of OAC 4906-5-08(C)(3), of upcoming construction activities including potential for nighttime construction activities.

(21) The Applicant shall meet all Federal Communications Commission and other federal agency requirements to construct an object that may affect radio or television communications. The Applicant shall mitigate any effects or degradation caused by facility operation or placement. For any residence that is shown to experience a degradation of television or radio reception or interference due to facility operation, the Applicant shall provide, at its own expense, cable or direct broadcast satellite television service or other mitigation acceptable to the affected resident(s).

#### **AIR, WATER, SOLID WASTE, AND AVIATION CONDITIONS**

ATSI and Staff recommend the following conditions to address the impacts discussed in Air, Water, Solid Waste, and Aviation section of the *Staff Report of Investigation*:

(22) 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 Stormwater 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

Ohio Environmental Protection Agency best management practices related to erosion and sedimentation control.

(23) The Applicant shall employ the following erosion and sedimentation control measures, construction methods, and best management practices when working near environmentally-sensitive areas and/or when in close proximity to any watercourses, in accordance with the National Pollutant Discharge Elimination System permit(s) and Stormwater Pollution Prevention Plan obtained for the project:

(a) During construction of the facility, seed all disturbed soil, 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 environmentally-sensitive areas.

(f) Locate structures outside of identified watercourses, including wetlands, except at specific locations where construction has been approved.

(g) Divert all stormwater 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.

(24) 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 Stormwater Pollution Prevention Plan created for this project.

(25) All construction debris and all contaminated soil shall be promptly removed and properly disposed of in accordance with Ohio Environmental Protection Agency regulations.

(26) The Applicant shall comply with fugitive dust rules by the use of water spray or other appropriate dust suppressant measures whenever necessary.

### **III. Exhibits**

The ATSI and Staff stipulate that the following Exhibits were among those exhibits in the docket which have been marked and admitted into the record of this proceeding, and that cross-examination is waived thereon:

Applicant Exhibit No. 1: The Application filed on March 6, 2015.

Applicant Exhibit No. 2: Certificates of Publication of the first and second notice in local papers and property owner letter as required by Admin. Code § 4906-5-08.

Staff Exhibit No. 1: *Staff Report of Investigation*, issued and filed on July 28, 2015.

Joint Exhibit No. 1:                      This Joint Stipulation and Recommendations, signed by  
counsel for ATSI and Staff.

In deliberating the merits of the Applications and reasonableness of this Joint Stipulation, ATSI and Staff encourage the Board to review and consider all evidence and exhibits submitted and admitted in these cases.

**IV.     Other Stipulations.**

(1)     This Stipulation is a compromise involving a balance of competing positions, and it does not necessarily reflect the position that one or more of ATSI and Staff would have taken if these issues had been fully litigated. ATSI and Staff believe that this Stipulation represents a reasonable compromise of varying interests. This Stipulation is expressly conditioned upon adoption in its entirety by the Board without material modification by the Board. Should the Board reject or materially modify all or any part of this Stipulation, ATSI and Staff shall have the right, within thirty (30) days of the issuance of the Board's Order, to file an application for rehearing. Upon the Board's issuance of an entry on rehearing that does not adopt the Stipulation in its entirety without material modification, any Party may terminate or withdraw from the Stipulation by filing a second application for rehearing with the Board within thirty (30) days of the Board's entry on rehearing. The second application shall be limited in scope to a party giving notice of exercising its right to terminate and withdraw from the Stipulation to the Board, and requesting an evidentiary hearing with all appertaining rights of process, as if the Stipulation had never been executed. Prior to any Party seeking rehearing or terminating and withdrawing from this Stipulation pursuant to this provision, ATSI and Staff agree to convene immediately to work in good faith to achieve an outcome that substantially satisfies the intent of the Board or proposes a reasonable equivalent thereto to be submitted to the Board for its

consideration. Upon a second application for rehearing being filed giving notice of termination or withdrawal by any Party, pursuant to the above provisions, the Stipulation shall immediately become null and void.

(2) ATSI and Staff agree and recognize that this 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 Stipulation, that party's participation in this Stipulation as support for any particular position on any issue. Each party further agrees that it will not use this Stipulation as factual or legal precedent on any issue, except as may be necessary to support enforcement of this Stipulation.

WHEREFORE, based upon the record, and the information and data contained therein, ATSI and Staff recommend that the Board issue a Certificate of Environmental Compatibility and Public Need for construction, operation and maintenance of the proposed Lake Avenue Substation Project, as described in the Application filed with the Board on March 6, 2015, and as conditioned herein.

The undersigned stipulate and represent that they are authorized to enter into this Joint Stipulation and Recommendation on the 25<sup>th</sup> day of August, 2015.



Respectfully submitted on behalf of:

**STAFF OF THE OHIO POWER  
SITING BOARD**

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*\* per authorization August 25, 2015*

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**Summary: Stipulation of American Transmission Systems, Incorporated and Staff of the Ohio Power Siting Board electronically filed by Mr. Robert J Schmidt on behalf of American Transmission Systems Inc.**