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Chairman Andre T. Porter
Ohio Power Siting Board
180 East Broad Street
Columbus, Ohio 43215

September 28, 2015

Re: PUCO Case No. 13-0429-EL-BTX
Biers Run-Hopetown-Delano 138kV Transmission Line Project

Dear Chairman Porter:

Attached is the Response to General Conditions as written in the Staff Report and contained within the Stipulation of the OPSB's Opinion, Order and Certificate in the Biers Run-Hopetown-Delano 138kV Transmission Line Project by AEP Ohio Transmission Company.

Respectfully Submitted,

/s/ Hector Garcia

Hector Garcia
Counsel for AEP Ohio Transmission Company



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Gahanna, OH 43230
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September 28, 2015

ATTN: Mr. Jon Pawley – Project Manager - Facilities, Siting & Environmental Analysis Division
Ohio Power Siting Board (OPSB)
State of Ohio
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215-3793

RE: Biers Run-Hopetown-Delano 138 kV Transmission Line Project
Response to General Conditions as written in the Staff Report &
Contained within the Stipulation of the OPSB's Opinion, Order and Certificate
Case No. 13-0429-EL-BTX

Dear Mr. Pawley,

In response to the General Conditions within the OPSB's Opinion, Order and Certificate for the Biers Run-Hopetown-Delano 138 kV Transmission Line Project, AEP Ohio Transmission Company, Inc. ("AEP") has addressed or in the process of addressing each condition with a written response as outlined below.

1. The facility shall be installed at the Applicant's Preferred Route as presented in the Applicant's second and third supplemental filings and further clarified by recommendations in this Staff Report of Investigation.
 - ◆ **AEP will construct the proposed project along the Preferred Route as approved and conditioned by the OPSB. Any changes from the approved application will be submitted to the OPSB as an amendment, and construction within the area of the amendment will not commence until the OPSB has approved any such changes.**
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 of Investigation.
 - ◆ **AEP will comply with this condition.**

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 of Investigation.

◆ **AEP will comply with this condition.**

4. The Applicant shall conduct a preconstruction conference prior to the start of any construction activities. 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.

◆ **AEP will comply with the requirements stated within this condition. The initial preconstruction conference will be held Tuesday Sept. 29 at 9:00 am at the Biers Run Station.**

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.

◆ **AEP prepared a project specific website:**
<http://www.aeptransmission.com/ohio/BiersRun-Hopetown-Delano/>

Public grievances can be filed by following the above web link and clicking on the Contact Us tab below the project map. The public will see the following text.

To ask questions or submit comments about this project please contact:

Brett Schmied, Project Outreach Specialist at 614-552-1929 or
email beschmied@aep.com

AEP will keep a log of all public communication regarding this project, and will notify Staff that a public complaint was initiated. AEP will work with the public to address their concerns and will notify Staff once a response or resolution has been communicated with the person who initiated the complaint.

6. At least thirty days before the preconstruction conference, the Applicant shall submit to Staff one set of detailed engineering drawings of the final project design, including temporary and permanent access roads, and construction staging areas, so that Staff can determine that the final project design is in compliance with the terms of the certificate. 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.

◆ **Detailed engineering drawings were submitted to OPSB staff on August 26, 2015.**

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 all conditions of the certificate, prior to construction in those areas.
 - ◆ **AEP will provide Staff with hard copies and geographically-referenced electronic data for any changes made to the project layout after detailed engineering drawings have been submitted.**
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.
 - ◆ **AEP will provide as-built drawings and geographically-referenced electronic data within 60 days after the commencement of commercial operations.**
9. 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.
 - ◆ **AEP will obtain all permits or authorizations needed to complete construction activities and will provide copies of those to Staff within 7 days of issuance or receipt. To date the following permits will be required (all permits will be emailed to Staff directly):**
 - Scioto River Crossing - Section 10 Permit Application: Permit has been filed and supplemental information was provided to the U.S. Army Corps of Engineers in August. The Corps is waiting for the State Historic Preservation Office's approval prior to issuing the permit.
 - ODOT: Received approved permits for all crossings via email on 5/26/15.
 - CSX Railroad: Permit received from CSX the week of 6/22/15.
 - FAA: No need to light structures, but ODOT requested to light cranes with red obstruction light and flag in certain areas.
10. 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.
 - ◆ **AEP will comply with this requirement and plans to begin construction in September of 2015.**
11. 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.

- ◆ **AEP will provide to the Staff the following dates. 1. Construction start date, 2. Beginning of commercial operations date, and 3. Construction completion date.**
12. 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. Notification to property owners shall be given at least 30 days prior to work on the affected property.
- ◆ **AEP has contacted all affected property owners to inform them of the project-specific information and created a website, which was noted in the information packet, to refer to for project Fact Sheets (includes schedule), Benefits, Purpose & Need, Typical Structures, Routing, Right of Way & Maintenance and contact info. The website link is:**
<http://www.aeptransmission.com/ohio/BiersRun-Hopetown-Delano/>
13. The Applicant shall avoid, where possible, or minimize to the maximum extent practicable, any damage to field tile drainage systems and soils resulting from construction, operation, and/or maintenance of the facility in agricultural areas. Damaged field tile systems shall be promptly repaired to at least original conditions at the Applicant's expense. If applicable, excavated topsoil shall be segregated and restored in accordance with the Applicant's lease agreement with the landowner. Severely compacted soils shall be plowed or otherwise decompacted, if necessary, to restore them to original conditions unless otherwise agreed to by the landowner.
- ◆ **AEP will to the maximum extent practical minimize impacts to field drainage systems and minimize compacted soils during construction. Damage will be promptly repaired at AEP's expense. AEP will follow the requested guidance of this condition or the contracted lease agreement with the property owner.**
14. Prior to construction, the Applicant shall finalize coordination of the assessment of potential effects of the Preferred Route on cultural resources, if any, with Staff and the Ohio Historic Preservation Office. If the resulting coordination discloses a find of cultural significance, or inclusion in the National Register of Historic Places, then the Applicant shall submit an amendment, modification, or mitigation plan to Staff to ensure compliance with this condition. Any such mitigation effort shall be developed in coordination with the Ohio Historic Preservation Office and submitted to Staff for review.
- ◆ **AEP established a mitigation plan in coordination with the National Park Service that addresses the impacts that were identified by the Ohio Historic Preservation Office (OHPO). A Memorandum of Understanding between AEP and the OHPO that documents OHPO's concurrence with the proposed mitigation plan was submitted to the OHPO on September 4, 2015. The MOU is currently waiting to be executed by the OHPO and AEP.**
15. If either alternate route is certificated by the Board, then prior to construction the Applicant shall conduct a Phase I archaeological survey and an assessment of potential impacts to historical and architectural resources along that route. If the architectural survey discloses a find of cultural or architectural significance, or a structure that could be eligible for inclusion in the National Register

of Historic Places, then the Applicant shall submit an amendment, modification, or mitigation plan. Any such mitigation effort shall be developed in coordination with the Ohio Historic Preservation Office and submitted to Staff to ensure compliance with this condition.

◆ **The preferred route was certified by the Board. No further action is required.**

16. The Applicant shall coordinate with the landowner north of the northern access drive to the Veterans Administration Hospital to explore options that would avoid the need to remove the tree line along the access drive.

◆ **AEP met with the property owner north of the Veterans Administration Hospital access drive, AEP Forestry, and the VA facilities representative on December 11, 2014. We agreed to save as much of the existing tree line as possible. At the meeting trees were marked for removal and agreed to by all parties taking into account transmission line operational safety and the desires of the property owner's.**

17. For both construction and future right-of-way maintenance, the Applicant shall limit, to the greatest extent possible, the use of herbicides in proximity to surface waters, including wetlands along the right-of-way. Individual treatment of tall-growing woody plant species is preferred, while general, widespread use of herbicides during initial clearing or future right-of-way maintenance should only be used where no other options exist, and with prior approval from the Ohio Environmental Protection Agency. Prior to commencement of construction, the Applicant shall submit a plan to Staff for review and confirmation that it complies with this condition, describing the planned herbicide use for all areas in or near any surface waters during initial project construction and/or future right-of-way maintenance.

◆ **AEP will comply with this condition. AEP will, to the greatest extent possible, limit the use of herbicides in proximity to surface waters, including wetlands along the right-of-way. Where manual or mechanical clearing are required, follow-up herbicide applications are required to control the root systems of incompatible vegetation.**

18. The Applicant shall provide a construction access plan for review prior to the preconstruction conference. The plan would consider the location of streams, wetlands, wooded areas, and sensitive plant species, as identified by the Ohio Department of Natural Resources Division of Wildlife, and explain how impacts to all sensitive resources will be avoided or minimized during construction, operation, and maintenance. The plan would include the measures to be used for restoring the area around all temporary access points, and a description of any long-term stabilization required along permanent access routes.

◆ **The Storm Water Pollution Prevention Plan (SWPPP) was submitted to the OPSB Staff on August 28, 2015, and will be utilized as the construction access plan.**

19. The Applicant shall provide a vegetation management plan for review prior to the preconstruction conference. The plan will identify all areas of proposed vegetation clearing for the project, specifying the extent of the clearing, and describing how such clearing work will be done so as to minimize removal of woody vegetation, including along stream banks.

- ◆ **A Vegetation Management Plan was submitted to the OPSB Staff on August 27, 2015. This plan incorporates AEP's standard seed mix and ODNR's seed mix that will be utilized on the work performed within the Pleasant Valley Wildlife Area.**
20. The Applicant shall have a qualified environmental specialist on-site during construction activities that may affect sensitive areas, as mutually agreed upon between the Applicant and Staff, and as shown on the Applicant's final approved construction plan. Sensitive areas include, but are not limited to, areas of vegetation clearing, designated wetlands and streams, and locations of threatened or endangered species or their identified habitat. The environmental specialist shall be familiar with water quality protection issues and potential threatened or endangered species of plants and animals that may be encountered during project construction.
- ◆ **AEP will utilize the independent, third party services of AECOM to provide qualified environmental specialist on-site during construction activities that may affect sensitive areas. AECOM will document, via weekly environmental inspection reports, all construction activities affecting sensitive areas.**
21. The Applicant shall contact Staff, the Ohio Department of Natural Resources, and the U.S. Fish and Wildlife Service within 24 hours if state or federal threatened or endangered species are encountered during construction activities. Construction activities that could adversely impact the identified plants or animals shall be halted until an appropriate course of action has been agreed upon by the Applicant, Staff, and the Ohio Department of Natural Resources in coordination with the U.S. Fish and Wildlife Service. Nothing in this condition shall preclude agencies having jurisdiction over the facility with respect to threatened or endangered species from exercising their legal authority over the facility consistent with law.
- ◆ **If any federal or state threatened or endangered species are encountered AEP shall notify Staff, ODNR, and the USFWS within 24 hours. All construction activities that could adversely impact these species will be halted until an agreed upon course of action has been established.**
22. The Applicant shall adhere to seasonal cutting dates of October 1 to March 31 for the removal of suitable Indiana bat habitat trees, if avoidance measures cannot be achieved.
- ◆ **AEP will adhere to seasonal cutting dates of October 1 to March 31 for the removal of suitable Indiana bat habitat trees.**
23. If in-water work is planned in streams or water bodies listed in Appendix A of the Ohio Mussel Survey Protocol or streams with a watershed of 10 square miles or larger above the impact point that are not listed in Appendix A of the protocol, the Applicant shall provide information to indicate no mussel impacts would occur. If this is not possible, the Applicant shall retain a professional malacologist to conduct a mussel survey on impacted streams in the project area. If mussels that cannot be avoided are found in the project area, a professional malacologist shall collect and relocate the mussels to suitable and similar habitat. These surveys and any subsequent mussel relocation shall be done in accordance with the Ohio Mussel Survey Protocol,

and because there is the potential for federal listed mussels to occur within the project area, the U.S. Fish and Wildlife Service shall also be contacted for consultation.

- ◆ **No in-water work is planned for the project. The SWPPP identifies where timber mat crossings of 14 streams will be utilized.**

24. The Applicant shall not conduct in-water work in perennial streams from April 15 to June 30 to reduce impacts to indigenous aquatic species and their habitat.

- ◆ **No perennial streams will be impacted by the proposed project.**

25. The Applicant shall avoid stream fords through the use of timber mats or other temporary bridge structures.

- ◆ **Timber mats will be utilized in the crossings of 14 streams.**

26. 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.

- ◆ **AEP obtained all required transportation permits and all permits were submitted to OPSB Staff on August 27, 2015.**

27. 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 Rule 4906-5-08(C)(3), OAC, of upcoming construction activities including potential for nighttime construction activities.

- ◆ **AEP will comply with the limited work hours, and will notify property owners or affected tenants of upcoming construction activities as defined.**

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

- ◆ **AEP will remove all temporary gravel associated with construction activities unless directed by the landowner. Impacted areas will be restored to preconstruction conditions in compliance with all Ohio EPA regulations.**

29. The Applicant shall not dispose of gravel or any other construction material during or following construction of the facility by spreading such material on agricultural land. All construction debris and all contaminated soil shall be promptly removed and properly disposed of in accordance with Ohio Environmental Protection Agency regulations.
- ◆ **AEP will dispose of temporary gravel and other construction materials in accordance with Ohio EPA regulations.**
30. The Applicant shall comply with any drinking water source protection plan for any part of the facility that is located within drinking water source protection areas of the local villages and cities.
- ◆ **AEP has contacted the three facilities affected and will comply with their water source protection plans.**
31. That 30 days prior to any construction, the Applicant shall notify, in writing, any owner of an airport located within 20 miles of the facility boundary, whether public or private, whose operations, operating thresholds/minimums, landing/approach procedures and/or vectors are expected to be altered by the siting, operation, or maintenance of the facility.
- ◆ **Fifteen airports or heliports were identified within 20 miles of the project provided by the Federal Aviation Administration's (FAA) Airport Data and Contact Information website. Field investigation for this project identified Air Evac Lifeteam Heliport in close proximity to the transmission line route, which was not identified by the FAA. AEP completed coordination with FAA through the Obstruction Evaluation/Airport Airspace Analysis website and received determinations for each structure. A "DETERMINATION OF NO HAZARD TO AIR NAVIGATION" for all airports and heliports, including the Evac Lifeteam Heliport was determined for each structure location. Based upon these determinations no notifications will be required. AEP submitted all FAA determination data to the OPSB Staff on September 28, 2015.**
32. The Applicant shall coordinate with the Federal Aviation Administration and the Ohio Department of Transportation once final pole locations and heights are determined for this project. If the proposed pole locations and heights constitute a hazard to air navigation then further coordination with Staff shall be necessary before construction can commence.
- ◆ **AEP completed coordination with FAA through the Obstruction Evaluation/Airport Airspace Analysis website and received determinations for each structure. A "DETERMINATION OF NO HAZARD TO AIR NAVIGATION" for all airports and heliports, including the Evac Lifeteam Heliport was determined for each structure location. Based upon these determinations no notifications will be required. AEP submitted all FAA determination data to the OPSB Staff on September 28, 2015.**
 - ◆ **However, the ODOT Aviation department has requested that some of the cranes have a red light and flag during operation and be lowered when not in use. AEP will adhere to this request and will provide a map delineating the areas requiring the crane to be lighted and flagged prior to the Preconstruction Conference.**
33. At least seven days before the preconstruction conference, the Applicant shall submit to Staff, for review, a copy of all National Pollutant Discharge Elimination System permits including its

approved Storm Water Pollution Prevention Plan, approved Spill Prevention, Control, and Countermeasure procedures, and its erosion and sediment control plan. Any soil issues must be addressed through proper design and adherence to the Ohio Environmental Protection Agency best management practices related to erosion and sedimentation control.

- ♦ **The Project's SWPPP and the NPDES approval was submitted August 28, 2015, to the OPSB Staff. If soil issues are present, design solutions will adhere to the Ohio EPA best management practices related to erosion and sedimentation control.**

Respectfully Submitted,

/s/ Hector Garcia

Hector Garcia

Counsel for AEP Ohio Transmission Company

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Summary: Response electronically filed by Mr. Hector Garcia on behalf of AEP Ohio
Transmission Company