

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of AEP Ohio)
Transmission Company, Inc. for an)
Amendment to the Certificate to Construct) Case No. 15-1682-EL-BTA
the Biers Run-Hopetown-Delano)
Transmission Line Project.)

ORDER ON CERTIFICATE AMENDMENT

The Ohio Power Siting Board, coming now to consider the above-entitled matter hereby issues an Order granting a Certificate Amendment in accordance with R.C. Chapter 4906.

OPINION:

I. History of the Proceeding

All proceedings before the Ohio Power Siting Board (Board) are conducted according to the provisions of R.C. Chapter 4906 and Ohio Adm.Code Chapter 4906.

On March 9, 2015, the Board granted the application of AEP Ohio Transmission Company, Inc. (AEP or Applicant) for a certificate to construct a 138-kilovolt transmission line along the proposed preferred route of the Biers Run-Hopetown-Delano project. *In re Biers Run-Hopetown-Delano Transmission Line Project*, Case No. 13-429-EL-BTX, (*Biers Run Case*), Opinion, Order, and Certificate (Mar. 9, 2015).

On September 28, 2015, AEP filed the instant application to amend the certificate issued in the *Biers Run Case*. Applicant proposes a route adjustment to accommodate a request by a property owner west of State Route 104 and moves the route more onto property owned by AEP. Specifically, AEP indicates that the adjustment is located between Old OH-207 and State Route 104 on Ross County Parcel Nos. 370914008000, 370914009000, 370913270000, and 370914052000 and adjusts the location of the approved route by approximately 1,040 feet (.20 mile). AEP submits that this adjustment can be made with no or minimal increases to the project impacts. AEP represents that construction of the area proposed in this amendment will begin in the fall of 2015 and that the in-service date for the project is expected to be March 2016.

In accordance with Ohio Adm.Code 4906-5-10, AEP served copies of the amendment application upon local officials and filed the proofs of publication with the Board on November 20, 2015. Notice of the amendment application was published in the

Circleville Herald and the *Chillicothe Gazette* on October 31, 2015, and November 2, 2015, respectively.

On October 19, 2015, the Board's Staff (Staff) filed a report evaluating the amendment application.

II. Summary of Ohio Revised Code and Ohio Administrative Code

AEP is a corporation and person pursuant to R.C. 4906.01(A) and is certificated to construct, operate, and maintain the Biers Run-Hopetown-Delano transmission line project pursuant to R.C. 4906.10, in accordance with the Board's decision in the *Biers Run Case*.

Pursuant to R.C. 4906.10, the Board's authority applies to major utility facilities and requires entities to be certified by the Board prior to commencing construction of a facility. In accordance with R.C. Chapter 4906, the Board promulgated rules, which are set forth in Ohio Adm.Code Chapter 4906-5, prescribing regulations regarding applications for major utility facilities and amendments to certificates.

R.C. 4906.07 requires that, when considering an application for amendment of a certificate, the Board shall hold a hearing "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 alternates set forth in the application." An applicant is required to provide notice of its application for amendment in accordance with R.C. 4906.06(B) and (C), and Ohio Adm.Code 4906-5-10(B).

III. Staff Investigation of Proposed Amendment

Staff states that the location of the facility adjustment is within the study corridor that was addressed and considered in the *Biers Run Case* and the subsequent certificate for that case (Staff Report at 1). According to Staff, the proposed adjustment would revise the route for approximately 600 feet of the 138 kV transmission line and one transmission line support structure from the west side of stream 17, an intermittent stream on private property, and, instead, places this portion of the transmission line to the east side of the stream on AEP's property. Staff notes that as a result of the amendment, the transmission line would cross stream number 17 further downstream, reducing the impacted portion of the stream within the proposed right-of-way from 258 feet to 36 feet. As a result, the amount of tree clearing and exposed stream bank within the right-of-way would be reduced. (Staff Report 1-2.)

Based on the amendment application, Staff notes that the overall length of the transmission line and other project facility components would not change with this

amendment, and that there would be no material increase in any adverse socioeconomic or environmental impact of the facility beyond what was originally certificated. Pursuant to the requirements of R.C. 4906.10(A)(3), Staff believes that the construction of this project should pose only minimal adverse environmental impacts and that if the route is adjusted as now proposed, the original conditions of the certificate are adequate to ensure that adverse environmental impacts would continue to be minimized for this project. Therefore, Staff recommends that the Board approve the application, provided that the certificate continues to include the 33 conditions specified in the *Biers Run Case*.

IV. Conclusion

Upon a review of the record, the Board finds, pursuant to R.C. 4906.10(A), the proposed amendment of the Biers Run-Hopetown-Delano transmission line project promotes the public convenience and necessity and will not result in any additional significant adverse social or environmental impacts. Furthermore, the amendment does not constitute a substantial change in the location of all or a portion of such facility. Therefore, the Board finds that a hearing is not necessary under the circumstances presented in this case. Accordingly, the Board concludes that, pursuant to R.C. Chapter 4906, AEP's amendment application should be approved and, as a result, AEP's certificate issued in the *Biers Run Case* should be amended to allow AEP to adjust the facility location, conditioned upon compliance with the 33 certificate conditions set forth in the Order in the *Biers Run Case*.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

- (1) AEP is a corporation and a person under R.C. 4906.01(A).
- (2) The Biers Run-Hopetown-Delano transmission line project is a major facility as defined in R.C. 4906.01(B)(2).
- (3) On September 28, 2015, AEP filed an application to amend the certificate issued in the *Biers Run Case*, which involves the construction of the Biers Run-Hopetown-Delano transmission line project.
- (4) The amendment application involves a proposed adjustment to the certificated route of the transmission line to accommodate the request of a directly impacted property owner.
- (5) In accordance with R.C. 4906.06 and Ohio Adm.Code 4906-5-10¹, copies of the amendment application were served upon local government officials.

¹ Ohio Adm.Code 4906-5-10 has been replaced by Ohio Adm. Code 4906-3-11.

- (6) On October 19, 2015, Staff filed a report evaluating the amendment application.
- (7) The proposed changes to the certificated transmission line do not result in any material increase in any social or environmental impact, or a substantial change in the location of the facility; therefore, in accordance with R.C. 4906.07, a hearing is not necessary.
- (8) Based on the record, in accordance with R.C. Chapter 4906, the certificate of environmental compatibility and public need issued in the *Biers Run Case* should be amended to permit construction, operation, and maintenance of the Biers Run-Hopetown-Delano project, consistent with the changes described in this Order and subject to the 33 conditions set forth in the *Biers Run Case*.

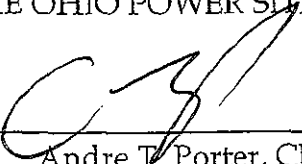
ORDER:

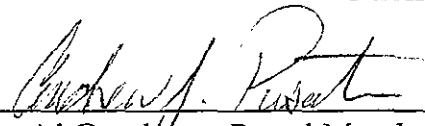
It is, therefore,

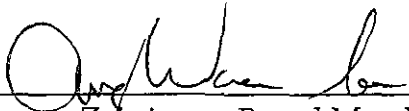
ORDERED, That the application filed by AEP to amend the certificate of environmental compatibility and public need issued in the *Biers Run Case* for the Biers Run-Hopetown-Delano project be granted, as described in this Order and subject to the 33 conditions set forth in the *Biers Run Case* and this Order. It is, further,

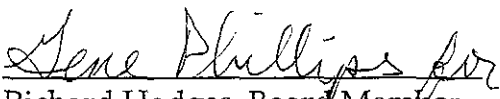
ORDERED, That a copy of this Order on Certificate Amendment be served upon all interested persons of record.

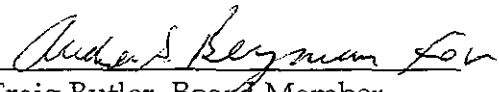
THE OHIO POWER SITING BOARD



Andre T. Porter, Chairman
Public Utilities Commission of Ohio

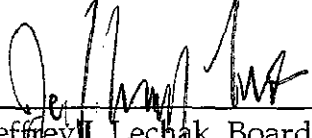

David Goodman, Board Member
and Director of the Ohio
Development Services Agency


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


Richard Hodges, Board Member
and Director of the Ohio
Department of Health



Craig Butler, Board Member
and Director of the Ohio
Environmental Protection Agency


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


Jeffrey V. Lechak, Board Member
and Public Member

JSA/dah/vrm

Entered in the Journal **JAN 14 2016**


Barcy F. McNeal
Secretary