

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of AEP)
Ohio Transmission Company, Inc. for a)
Second Amendment to the Certificate to) Case No. 15-2038-EL-BTA
Construct 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 an application to amend the certificate issued in the *Biers Run Case*. Applicant proposed a route adjustment to accommodate a request by a property owner west of State Route 104, which moved more of the route onto property owned by AEP. Pursuant to its January 21, 2016 Order, the Board approved the requested amendment. *In re Biers Run-Hopetown-Delano Transmission Line Project Amendment*, Case No. 15-1682-EL-BTA, (*Biers Run Amendment Case*), Opinion, Order, and Certificate (Jan. 14, 2016).

On December 11, 2015, AEP filed the instant application for a second amendment to the certificate issued in the *Biers Run Case*. Applicant proposes a route adjustment to accommodate a request of the United States Fish and Wildlife Service (USFWS) and the Ohio Department of Natural Resources (ODNR). Specifically, AEP explains that as part of the original negotiations to allow the project to cross ODNR's Pleasant Valley Wildlife Area, (PVWA), it agreed to a mitigation purchase of adjacent property that will be transferred to ODNR. AEP notes that due to the manner in which the PVWA was originally deeded to ODNR, the federal government's General Service Administration

must approve the project. According to AEP, as part of the federal review, USFWS suggested the current requested adjustment in order to minimize potential impacts to the original PVWA. AEP represents that it is open to the route adjustment as long as the ODNR and federal approvals and the Board's certification can be achieved in a timely manner in order to maintain the project in-service date of March 2016.

AEP submits that the proposed adjustment can be made with no or minimal increases to the overall project's impacts while minimizing impacts to the PVWA.

In accordance with Ohio Adm.Code 4906-3-11, AEP served copies of the amendment application upon local officials and filed the proofs of publication with the Board on December 31, 2015. Notice of the amendment application was published in the *Chillicothe Gazette* on December 14, 2015.

On January 8, 2016, 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 4906-3, 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 4906-3-11 and 4906-3-09.

III. Staff Investigation of Proposed Amendment

Staff states that the location of the facility adjustment is within the vicinity of the study areas that were addressed and considered in the *Biers Run Case* and the subsequent certificate for that case. According to Staff, AEP proposes to adjust approximately 4,300 (0.8 miles) of transmission line located on and adjacent to the

ODNR PVWA. The proposed amendment would decrease the overall Biers Run-Hopetown-Delano transmission line route by 0.3 miles. The operating characteristics of the transmission line would remain unchanged with the proposed adjustment, as would the location of the project's associated facilities, including access roads and laydown yard. (Staff Report at 1-2.)

Follow-up cultural resources and field ecological review were performed in this amended area prior to the submission of the second amendment. Staff represents that no residences are located within 1,000 feet of the proposed route adjustment. Five residences are located just beyond 1,000 feet away and the Applicant has contacted these property owners as part of its public outreach efforts. No cultural resources were identified and no impacts to cultural resources are anticipated as a result of this adjustment. According to Staff, the proposed adjustment would shift the transmission line approximately 1,200 feet further east from Union Cemetery, which the route currently borders. (Staff Report at 2.)

According to Staff, the proposed adjustment would result in the avoidance of the two previously crossed category 2 wetlands, for a reduction of approximately 0.1 acres of wetland impacts. The adjustment will also result in the avoidance of four previously crossed ephemeral streams and one perennial stream, while resulting in the crossing of two previously uncrossed ephemeral streams. Staff opines that adherence to the conditions of the original certificate, as well as implementation of the Storm Water Pollution Prevention Plan would minimize impacts to surface water resources that would occur as a result of the proposed adjustment. Staff also believes that the proposed adjustment would not result in increased impacts to listed wildlife species and that adherence to the conditions of the original certificate would minimize impacts to listed species. Therefore, Staff concludes that, consistent with the requirements of R.C. 4906.10, the application meets the necessary criteria for granting an amended certificate. (Staff Report at 2.)

IV. Conclusion

Upon a review of the record, the Board finds, pursuant to R.C. 4906.10(A), that 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 December 11, 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 a request of USFWS.
- (5) In accordance with R.C. 4906.06 and Ohio Adm.Code 4906-3-11, copies of the amendment application were served upon local government officials.
- (6) On January 8, 2016, 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*.

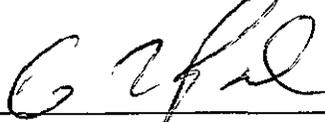
ORDER:

It is, therefore,

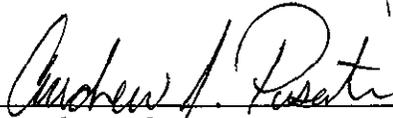
ORDERED, That the application filed by AEP to amend the certificate of environmental compatibility and public need issued in the *Biers Run Case* for the Biers Run-Hopetown-Delano project be granted, as described in this Order and subject to the 33 conditions set forth in the *Biers Run Case* and this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

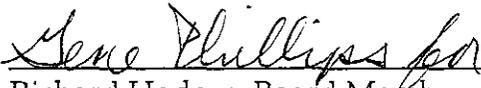


Andre T. Porter, Chairman
Public Utilities Commission of Ohio



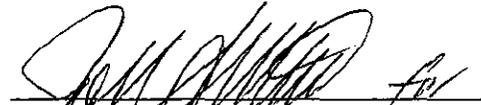
David Goodman, Board Member
and Director of the Ohio
Development Services Agency

James Zehringer, 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

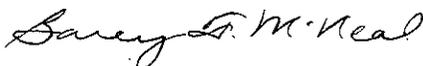


David Daniels, Board Member
and Director of the Ohio
Department of Agriculture

Jeffrey J. Lechak, Board Member
and Public Member

JSA/dah

Entered in the Journal **FEB 22 2016**



Barcy F. McNeal
Secretary