

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 Install an) Case No. 15-1291-EL-BTA
Electric Transmission Line in Pickaway and)
Ross Counties.)

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 preferred route between the AEP Biers Run and Circleville substations. *In re Biers Run-Circleville Transmission Line Project*, Case No. 13-430-EL-BTX, (*Biers Run Case*), Opinion, Order, and Certificate (Mar. 9, 2015).

On October 26, 2015, AEP filed the instant application to amend the certificate issued in the *Biers Run Case* at five locations in order to resolve engineering issues identified during final design of the preferred route, as well as to accommodate landowner preferences and to avoid placing structures within road right-of-way.

The first series of adjustments are located at the northern terminus of the certificated route, south of the Circleville distribution substation and west of US Route 23. Specifically, AEP explains that the northern terminus of the project has moved approximately 890 feet south of the original location at the Circleville substation. An adjustment would also be made to the portion of the route that is west of the Scioto River, on property owned by the Circleville wastewater treatment plant operators. According to AEP, this adjustment would allow the route to overbuild an existing distribution line rather than parallel the distribution line. As a result, the amount of clearing needed will be reduced. Further, an additional adjustment was made along the south side US-22/State Route 56 north of the wastewater treatment plant in order to keep the poles outside of the road right-of-way. Applicant represents that no new land

owners would be affected by these adjustments and land impacts are generally unchanged and tree clearing will be slightly reduced. Additionally, an unnamed tributary to the Scioto River will no longer be crossed by the amended route. (Application at i.)

The second adjustment is located south of US-22/SR-56 near the intersection of SR-104. The adjustment would shift this section of the transmission line route 46 feet to the west of the approved route. Applicant explains that the request was made by the property owner to more closely align to the property line boundary and to reduce impacts to farming operations. At the southern end of the proposed adjustment, AEP is proposing to parallel the railroad grade on the northern side in order to avoid coming close to the dairy farm to the southwest. The last adjustment at this location would place a corner structure east of SR-104 approximately 80 feet north of the current location. AEP explains that this adjustment is needed due to the presence of a distribution tap located on the west side of SR-104. AEP describes how the three-phase distribution line that is currently located on the west side of SR-104 will be underbuilt on the new 138 kV alignment on the east side of SR-104 which will require the installation of a tap over SR-104 from the new 138 kV alignment back to the existing distribution alignment and will eliminate a distribution pole on the west side of SR-104. (Application at ii.)

AEP notes that the changes set forth in the second adjustment will require an overhang easement and additional easement requirements from one additional landowner. AEP represents that discussions are currently occurring with this landowner. Additionally, the second adjustment will require two additional acres of upland forest clearing. Further, there will be less impact to a wetland following this adjustment. (Application at ii.)

The third adjustment is located on property along SR-104, approximately 300 feet south of the point of crossing as approved in the original certificate, located roughly at the midway point of the certificated route. The line would still cross SR-104 from east to west, but would now do so further to the south. The purpose of this proposed adjustment is to provide adequate clearance of the new 138 kV transmission line under the existing Gavin-Marysville 765 kV transmission line in order to meet National Electric Safety Code (NESC) standards. AEP notes that this change will result in additional easement requirements from an additional landowner and that it is initiating discussions with the landowner. AEP notes that changes in land use include one-tenth of an acre of residential land now crossed as opposed to agricultural land. AEP states that there are no additional impacts to ecological features due to this proposed adjustment. (Application at iii.)

The fourth adjustment is located south of Westfall Road in the southern portion of the project. The proposed adjustment parallels the approved route centerline

approximately 75 feet east of its original placement. The purpose of this adjustment is to optimize the span length between pole structures and to provide additional distance (and to eliminate the need for multiple overhang easements and tree clearing) from multiple residential parcels. AEP notes that the proposed adjustment results in the impact to one less landowner and that there are no significant changes to land use or impacts to ecological resources due to this adjustment. All easements have been secured for this proposed alignment shift. (Application at iii-iv.)

The fifth adjustment is north of the Biers Run Substation. The proposed adjustment is to accommodate an existing 345kV transmission line just west of the proposed alignment. Specifically, AEP states that moving the transmission line pole 240 feet to the northwest provides the necessary clearance from the existing utility. According to AEP, there will be no changes in property owner, land use, or impacts to ecological features due to this adjustment. (Application at iv.)

AEP submits that additional wetland delineation fieldwork was conducted where the adjustments were outside of the previous surveys. Applicant represents that no additional wetland or stream impacts are anticipated. Applicant further represents that cultural resources were revisited by the cultural resources contractor and that the changes were considered minor enough that no additional cultural impacts are anticipated. (Application at i.) AEP represents that construction of the area proposed in this amendment is planned to begin in the fourth quarter of 2015 and that the in-service date for the project is expected to be in the third quarter of 2016. (Application at 1-3.)

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 December 23, 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 transmission line between the Biers Run and Circleville substations 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 amendments to accepted, complete applications and amendments of 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.

III. Staff Investigation of Proposed Amendment

On December 23, 2015, Staff filed its report evaluating the amendment application. Staff states that its review of the amendment application included consideration of the requirements listed in R.C. 4906.10. Staff indicates that it reviewed the amendment application and visited the site. During a field investigation for the requested adjustments, Staff observed that structures 2 through 4 had already been installed at the proposed amended locations discussed in Adjustment No. 5. Staff indicated that it did not observe any adjacent environmental damage on-site based upon Adjustment No. 5. (Staff Report at 3.) Related to this issue, on January 13, 2016, Staff issued a letter informing AEP that Adjustment No. 5 was completed prior to the Staff report and the Board's approval of the application filed in this case. Staff directed AEP to refer to R.C. 4906.04 and R.C. 4906.98 as it continues the work authorized in *Biers Run Case* and considers the appropriate scope of work to conduct prior to the Board's approval of any modification in the current case.

In its report, Staff notes that these five adjustments were requested as a result of either final engineering changes (span length, clearance with other existing transmission lines) or upon property owner request (to accommodate farming practices or move further away from residences and closer to property lines). According to Staff, the overall length of the project would decrease slightly with these five adjustments, from 19 miles to 18.8 miles. The operating characteristics of the transmission line would not change. In addition, the location of the project's associated facilities, including access roads and laydowns would remain unchanged. (Staff Report at 3.)

Staff reports that cultural resources and field reviews were performed for the five adjustment corridors. The proposed adjustments will result in fewer residences and historic structures being located within 100 feet of the transmission line. Based on Staff's investigation, while Adjustments 1, 3, and 5 would not result in an increase or decrease of total impacts to streams or wetlands, Adjustment 2 would result in a decrease of .13 acres of impacts to wetland WRG003 and would cross 0.01 acres of one previously unrecorded category 1 wetland. Additionally, Adjustment 4 would result in

the crossing of one new intermittent stream. Staff believes 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 adjustments. Finally, Staff concludes that the proposed adjustments will not result in increased impacts to listed wildlife species and that adherence to the conditions of the original certificate would minimize impacts to the listed species. (Staff Report at 3-4.)

Based on its review, Staff believes that the application meets the necessary criteria for granting an amended certificate. Staff recommends that the Board approve the five proposed adjustments, provided that the Applicant continues to adhere to the 23 conditions delineated in the Opinion, Order, and Certificate in Case No. 13-430. (Staff Report at 4.)

IV. Conclusion

Upon a review of the record, the Board finds, pursuant to R.C. 4906.10(A), the proposed adjustments to the Biers Run-Circleville transmission line project promotes the public convenience and necessity and will not result in any additional significant adverse social or environmental impacts. Furthermore, the adjustments do not constitute substantial changes 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 23 certificate conditions set forth in the Order in the *Biers Run Case*.

While approving the amendment application, the Board expresses its concern regarding Staff's observation that the Applicant had commenced and completed work addressed in the application prior to the Board's approval of any modifications in the current case. AEP is directed to refrain from such conduct in the future and to properly monitor the activities of its contractors in this regard.

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-Circleville transmission line project is a major facility as defined in R.C. 4906.01(B)(2).
- (3) On October 26, 2015, AEP filed an application to amend the certificate issued in the *Biers Run Case*, which involves the

construction of the Biers Run-Circleville transmission line project.

- (4) The amendment application involves a proposed adjustment to the certificated route of the transmission line in order to resolve engineering issues identified during final design of the preferred route, as well as to accommodate landowner preferences and to avoid placing structures within road right-of-way.
- (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 December 23, 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-Circleville transmission line project, consistent with the changes described in this Order and subject to the 23 conditions set forth in the *Biers Run Case*.

ORDER:

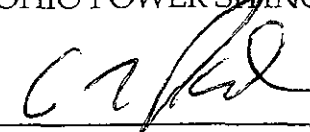
It is, therefore,

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-Circleville transmission line project be granted, as described in this Order and subject to the 23 conditions set forth in the *Biers Run Case* and this Order. It is, further,

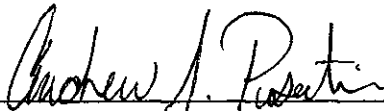
ORDERED, That AEP comply with the directives set forth in this Order. It is, further,

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

THE OHIO POWER SITING BOARD

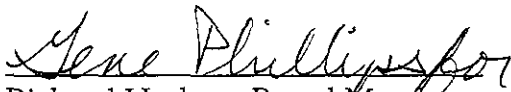


Andre T. Porter, Chairman
Public Utilities Commission of Ohio



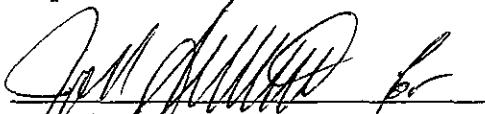
David Goodman, Board Member
and Director of the Ohio
Development Services Agency

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

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FEB 22 2016



Barcy F. McNeal
Secretary