

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of )  
American Transmission Systems, )  
Incorporated for a Certificate of ) Case No. 16-1981-EL-BLN  
Environmental Compatibility and Public )  
Need for the Broadview Substation )  
Expansion. )

In the Matter of the Application of )  
American Transmission Systems, )  
Incorporated for a Certificate of ) Case No. 16-1982-EL-BTX  
Environmental Compatibility and Public )  
Need for the East Springfield-Tangy 138kV )  
Loop to Broadview Substation. )

In the Matter of the Application of )  
American Transmission Systems, )  
Incorporated for a Certificate of ) Case No. 16-1983-EL-BTX  
Environmental Compatibility and Public )  
Need for the Clark-Urbana 138kV Loop to )  
Broadview Substation. )

ENTRY

The administrative law judge finds:

- (1) American Transmission Systems, Incorporated (ATSI) is a person as defined in R.C. 4906.01.
- (2) R.C. 4906.04 provides that no person shall construct a major utility facility in the state without obtaining a certificate for the facility from the Ohio Power Siting Board (Board).
- (3) On October 21, 2016, ATSI filed a motion seeking a waiver of the requirement found in Ohio Adm.Code 4906-3-03(A) which requires ATSI to file in the docket of these cases a pre-application notification letter with the Board at least 15 days before the public information meeting set forth in Ohio Adm.Code 4906-3-03(B). ATSI represents that the Board has the authority to issue the requested waiver pursuant to Ohio Adm.Code 4906-3-01(B), which provides the Board with the authority to waive any requirements of the rules not contained in statute. The 15-day filing requirement for the pre-

application notification letter is not found in the Board's statutes claims ATSI.

- (4) In support of the waiver, ATSI submits that, although the pre-application letter was not sent to docketing, the information was appropriately provided to the Board's Staff more than 15 days before the public information meeting and that information concerning the public information meeting was timely posted on the Board's website. Additionally, ATSI notes that it would be difficult, if not impossible, to reschedule the public information meeting at this late date without creating considerable confusion for any members of the public that were planning on participating in the public information meeting, since public notice of the meeting was published on October 14, 2016, and all property owners who are required to receive a letter under Ohio Adm.Code 4906-3-03(B)(2) have already received it.
- (5) Pursuant to Ohio Adm.Code 4906-3-01(B) and based upon the circumstances presented in the motion for waiver, the administrative law judge (ALJ) determines that ATSI has established good cause to grant a waiver of the 15-day filing requirement for the pre-application notification letter found in Ohio Adm.Code 4906-3-03(A). However, in rendering this ruling, the ALJ reminds ATSI of its responsibility to timely file the pre-application notification letter.

It is, therefore,

ORDERED, That ATSI's motion for waiver be granted in accordance with finding 5.  
It is, further,

ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

THE OHIO POWER SITING BOARD

/s/ Jeffrey R. Jones

By: Jeffrey R. Jones  
Administrative Law Judge

sef/vrm

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

**Commission of Ohio Docketing Information System on**

**10/24/2016 3:26:23 PM**

**in**

**Case No(s). 16-1981-EL-BLN, 16-1982-EL-BTX, 16-1983-EL-BTX**

Summary: Administrative Law Judge Entry granting ATSI's motion for waiver; electronically filed by Vesta R Miller on behalf of Jeffrey R. Jones, Administrative Law Judge, Ohio Power Siting Board