

EXHIBIT NO. _____

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of)	
AEP Ohio Transmission Company, Inc.)	
For a Certificate of Environmental)	Case No. 15-0329-EL-BTX
Compatibility and Public Need for the)	
South Caldwell- Macksburg 138 kV)	
Transmission Line Project)	

**PRE-FILED TESTIMONY OF SHAWN P. MALONE
ON BEHALF OF AEP OHIO TRANSMISSION COMPANY, INC.
IN SUPPORT OF THE JOINT STIPULATION AND RECOMMENDATION**

Filed November 16, 2016

Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

A. My name is Shawn Malone and my business address is 700 Morrison Road, Gahanna, Ohio 43230.

Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?

A. I am employed by American Electric Power Service Corporation and provide services to AEP Ohio Transmission Company, Inc. ("AEP Ohio Transco" or the "Company") as a Transmission Project Manager.

Q. WOULD YOU PLEASE DESCRIBE YOUR EDUCATIONAL AND PROFESSIONAL BACKGROUND?

A. Yes. I obtained a Bachelor of Science in Architectural Engineering Technology from the University of Cincinnati in 1990 and have over 15 years of experience working in construction and project management. Additionally, I earned my Project Management Professional Certification (PMP) from the Project Management Institute (PMI) and am the project manager for the Company's South Caldwell-Macksburg 138 kV Transmission Line project ("Project").

Q. WHAT ARE YOUR RESPONSIBILITIES AS A TRANSMISSION PROJECT MANAGER?

A. I am responsible for the project management of activities and project teams required for the successful installation of transmission line and transmission and distribution station facilities. I plan, organize, and direct team activities to develop and support all aspects of transmission line and transmission and distribution station facilities, including logistics, communication, planning, scheduling, siting, right-of-way, real estate acquisition, engineering, procurement, contracting, construction and financial aspects of each assigned project.

Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

A. The purpose of my testimony is to describe and support the Joint Stipulation and Recommendation (“Stipulation”) (incorporated by reference into this testimony and attached as Attachment A) entered into by AEP Ohio Transco and the Staff of the Ohio Power Siting Board (collectively, “Signatory Parties”) and filed on November 15, 2016, to resolve the issues in this case. The Signatory Parties recommend that the Ohio Power Siting Board (“Board”) issue a Certificate of Environmental Compatibility and Public Need for construction and operation for the South Caldwell-Macksburg 138 kV Transmission Line Project along the Preferred Route, as identified in the Company’s May 23, 2016 application (“Application”), supplemental filings and subject to the conditions further described in the Stipulation. This testimony demonstrates that: (1) the Stipulation is a product of serious bargaining among capable, knowledgeable parties; (2) the Stipulation does not violate any important regulatory principle or practice; and (3) the Stipulation, as a whole, will benefit customers and the public interest.

Q. DO YOU SPONSOR ANY EXHIBITS AS PART OF YOUR TESTIMONY?

A. Yes. I am sponsoring and attaching the Joint Exhibit No. 1—the Joint Stipulation and Recommendation reached with the Board Staff in this case as part of my testimony.

Q. WHAT ARE THE MAJOR PROVISIONS OF THE STIPULATION?

A. AEP Ohio Transco has a critical need to reinforce its transmission system. This Project is needed to improve and maintain the quality of service and reliability in southeastern Ohio. To that end, AEP Ohio Transco proposes to construct a new 138 kV overhead electric transmission line between AEP Ohio Transco’s South Caldwell Substation and AEP Ohio Transco’s Macksburg Substation. The Project, as more fully discussed in the Company’s

1 Application, is a major transmission reinforcement effort designed to help AEP Ohio Transco
2 maintain an adequate level of transmission reliability and availability of electric power to
3 residential, commercial, institutional and industrial users in this part of Ohio.

4 **Q. WHAT CRITERIA HAS THE BOARD USED IN REVIEWING AND APPROVING**
5 **STIPULATIONS AMONG SIGNATORY PARTIES TO A PROCEEDING?**

6 A. My understanding is that a stipulation traditionally must satisfy three criteria: (1) the
7 stipulation must be a product of serious bargaining among capable, knowledgeable parties;
8 (2) the stipulation must not violate any important regulatory principle or practice; and (3) the
9 stipulation must, as a whole, benefit customers and the public interest.

10 **Q. DOES THE STIPULATION REPRESENT A PRODUCT OF SERIOUS**
11 **BARGAINING AMONG CAPABLE, KNOWLEDGEABLE PARTIES?**

12 A. Yes, it does. All parties to the Stipulation (i.e. Staff and the Company, who are the only
13 parties to the case) were represented by experienced, competent counsel. Also, the parties to
14 the Stipulation regularly participate in proceedings before the Board and are knowledgeable
15 in regulatory matters. All parties were invited to participate in settlement discussions
16 regarding the Stipulation. All parties were provided the draft Stipulation and given an
17 opportunity to further engage in settlement discussions. Therefore, the Stipulation represents
18 a product of serious bargaining among capable, knowledgeable parties.

19 **Q. DOES THE STIPULATION VIOLATE ANY IMPORTANT REGULATORY**
20 **PRINCIPLES AND PRACTICES?**

21 A. No, it does not. Based on my experience with the regulatory process and review of the
22 Stipulation, I believe that the Stipulation is consistent with, and does not violate, regulatory
23 principles and practices in Ohio. On the contrary, the Stipulation is designed to comply with

1 the requirements of Revised Code 4906.10, which provides the basis for decision granting or
2 denying a certificate.

3 **Q. DOES THE STIPULATION BENEFIT CONSUMERS AND THE PUBLIC**
4 **INTEREST?**

5 A. Yes, it does. The Stipulation, which provides for the construction of the Project on the
6 Preferred Route, benefits consumers insofar as the Project will help ensure that increased
7 demands for electricity are met in the future and that existing reliability service is
8 strengthened and enhanced throughout the area. The Project will also produce tax revenues
9 for the local community. The Stipulation also benefits the public by requiring AEP Ohio
10 Transco to comply with numerous conditions to minimize impacts to the area.

11 **Q. DID AEP OHIO TRANSCO TAKE INTO ACCOUNT THE PUBLIC INPUT IN**
12 **ITS DELIBERATIONS?**

13 A. Yes. AEP Ohio Transco filed supplements to its Application on July 21, 2016, after
14 responding to concerns raised by affected residents. AEP Ohio Transco has worked very
15 closely with affected residents to ensure that their concerns were taken into consideration
16 when making adjustments to the Preferred Route. The adjustments to the Preferred Route are
17 reflected in AEP Ohio Transco's supplemental filings.

18 **Q. IS IT AEP OHIO TRANSCO'S POSITION THAT THE STIPULATION MEETS**
19 **THE THREE-PART TEST REGARDING CONSIDERATION OF STIPULATIONS**
20 **AND SHOULD BE ADOPTED BY THE BOARD?**

21 A. Yes, it is. The Stipulation is reasonable and should be adopted by the Board to resolve
22 the present proceeding.

23 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

1 A. Yes it does.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing has been served upon the individuals listed via electronic mail, this 14th day of November, 2016.

Erin C. Miller

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ATTACHMENT A

BEFORE THE OHIO POWER SITING BOARD

In the matter of the application of)	
AEP Ohio Transmission Company, Inc.)	
For a Certificate of Environmental)	Case No. 15-0329-EL-BTX
Compatibility and Public Need for the)	
South Caldwell-Macksburg 138kV)	
Transmission Line Project)	

JOINT STIPULATION AND RECOMMENDATION

I. INTRODUCTION

AEP Ohio Transmission Company, Inc. (“AEP Ohio Transco” or “Applicant”), and the Staff of the Ohio Power Siting Board (“OPSB Staff”) (at times, collectively referred to as the “Parties”) submit and recommend this Joint Stipulation and Recommendation (“Joint Stipulation” or “Stipulation”) for adoption by the Ohio Power Siting Board (“Board”). This Joint Stipulation is intended by the Parties to resolve all matters pertinent to Applicant’s proposed South Caldwell—Macksburg 138 kV Transmission Line Project (“Project”).

AEP Ohio Transco has a critical need to reinforce its transmission system in southeastern Ohio. The proposed Project will provide additional transmission service to the Noble County and Washington County regions to improve electric service reliability in the southeastern Ohio area. Much of the area is currently served by an extensive 23 kV distribution system, which will be retired and replaced with a new 138 kV transmission system. The benefits of this Project include supporting economic development and potential shale gas investment in the area, faster recovery of service after outages, fewer service interruptions and overall improved service. Specifically, the Project is located in Olive, Jefferson, and Jackson townships in Noble County and Aurelius

Township in Washington County. The Project will connect AEP Ohio Transco's South Caldwell Substation to AEP Ohio Transco's Macksburg Substation, through AEP Ohio's switch at Washington Electric Cooperative's ("Washington") South Olive Substation. The proposed Project is one component of a larger transmission reinforcement program in southeastern Ohio, which will improve local service for customers, decrease power interruptions, and speed recovery of local service when outages occur.

This Stipulation is the product of serious bargaining among capable and knowledgeable parties. The Parties have each participated in negotiations. This Stipulation and Recommendation has been signed by the Applicant and OPSB Staff (collectively "Signatory Parties"). Each of the Signatory Parties was represented by experienced counsel.

The Stipulation will benefit customers and the public interest. In the Stipulation, the Applicant has made commitments (as more fully described below) to comply with OPSB Staff conditions to minimize adverse impacts associated with the Project. The Stipulation does not violate any important regulatory principle or criteria. The Project is more fully described in the Application, which was filed with the Board on May 23, 2016 ("Application"). This Joint Stipulation and Recommendation results from discussions between the Parties, who agree that it is supported by adequate data and information and is therefore entitled to careful consideration by the Board.

Accordingly, the Parties recommend that the Board issue a Certificate of Environmental Compatibility and Public Need for construction and operation of the Preferred Route of the South Caldwell—Macksburg Transmission Line, as identified in the Application, and subject to the conditions described in this Joint Stipulation.

II. STIPULATIONS

A. Recommended Findings of Fact

The Parties agree that the record in this case, which consists of the Application, any supplemental or related information and the Staff Report of Investigation, contains sufficient probative evidence for the Board to find and determine, as findings of fact, that:

- (1) AEP Ohio Transco is a wholly-owned subsidiary of AEP Transmission Company, LLC, which is an Ohio corporation.
- (2) The proposed South Caldwell—Macksburg 138 kV Transmission Line Project is a “major utility facility,” as defined in Section 4906.01(B)(1) of the Ohio Revised Code.
- (3) On March 13, 2015, the Applicant filed a pre-application notification letter for a certificate of environmental compatibility and public need to construct a new 138 kV transmission line between the South Caldwell substation and the Macksburg substation.
- (4) On January 26, 2016, the Applicant filed proof of publication of the public notice that was issued regarding the Project.
- (5) On March 31, 2015, the Applicant held a public information meeting regarding the Project.
- (6) On February 2, 2016, the Applicant held an open house meeting regarding the Project.
- (7) On April 27, 2016, the Applicant filed a Motion for Waivers that the Application be filed within 90 days of the most recent public informational meeting and that the field survey area under the ecological rule be within 100 feet of the potential disturbance area of the facility.

- (8) On April 29, 2016, the Administrative Law Judge issued an Entry granting the Applicant's Waiver Requests.
- (9) On May 23, 2016, the Applicant filed the South Caldwell-Macksburg 138 kV Transmission Line Application.
- (10) On July 21, 2016, the Applicant filed supplemental information pertaining to the Preferred and Alternate routes.
- (11) On July 22, 2016, the Director of Rates and Analysis, PUCO, issued a letter of compliance regarding the Application to the Applicant.
- (12) On August 12, 2016, the Applicant filed proof of service of the certified application on local officials.
- (13) On October 14, 2016, OPSB Staff filed its Report of Investigation ("Staff Report").
- (14) On October 27, 2016, the Applicant filed its first proof of publication regarding the date, time and location of the public hearing and adjudicatory hearing.
- (15) On November 2, 2016, a local public hearing was held at the Noble County Community Center in Caldwell, Ohio.
- (16) On November 11, 2016, the Applicant filed its second proof of publication regarding the date and time of the public hearing and adjudicatory hearing.
- (17) Adequate data on the proposed South Caldwell-Macksburg 138 kV Transmission Line Project has been provided to the Board and OPSB Staff to determine the basis of the need for the proposed facility, as required by Section 4906.10(A)(1) of the Ohio Revised Code.

- (18) Adequate data on the proposed South Caldwell-Macksburg 138 kV Transmission Line Project has been provided to the Board and OPSB Staff to determine the nature of the probable environmental impact of the proposed facility, as required by Section 4906.10(A)(2) of the Ohio Revised Code.
- (19) Adequate data on the proposed South Caldwell-Macksburg 138 kV Transmission Line Project has been provided to the Board and OPSB Staff to determine that the Preferred Route contained in the Application, as filed by the Applicant on May 23, 2016, represents the minimum adverse environmental impact, considering the available technology and nature and economics of the various alternatives, and other pertinent considerations, as required by Section 4906.10(A)(3) of the Ohio Revised Code.
- (20) Adequate data on the proposed South Caldwell-Macksburg 138 kV Transmission Line Project has been provided to the Board and its Staff to determine that construction of the Project located on Applicant's Preferred site is consistent with plans for expansion of the regional power grid and that it will serve the interests of electric system economy and reliability, as required by Section 4906.10(A)(4) of the Ohio Revised Code.
- (21) Adequate data on the proposed South Caldwell-Macksburg 138 kV Transmission Line Project has been provided to the Board and OPSB Staff to determine that the Project will comply with Chapters 3704., 3734. and 6111. of the Ohio Revised Code and all rules and standards adopted under those Section 1501.33, 1501.34 and 4561.32 of the Ohio Revised Code, as required by Section 4906.10(A)(5) of the Ohio Revised Code.

- (22) Adequate data on the proposed South Caldwell-Macksburg 138 kV Transmission Line Project has been provided to the Board and OPSB Staff to determine that the proposed facility will serve the public interest, convenience and necessity, as required by Section 4906.10(A)(6) of the Ohio Revised Code.
- (23) Adequate data on the proposed South Caldwell-Macksburg 138 kV Transmission Line Project has been provided to the Board and OPSB Staff to determine the proposed facility's impact on the viability as agricultural land of any land in an existing agricultural district established under Chapter 929 of the Ohio Revised Code that is located within the Preferred Route and Alternate Route of the proposed Project, as required by Section 4906.10(A)(7) of the Ohio Revised Code.
- (24) Due to the fact that the facility will not require the use of water for operation, consideration of water conservation practices, considering available technology and the nature and economics of the various alternatives under Section 4906.10(A)(8) of the Ohio Revised Code is not applicable to certification of the Project.
- (25) The information, data and evidence in the record of this proceeding provide substantial and adequate evidence and information to enable the Board to make an informed decision on the proposed South Caldwell-Macksburg 138 kV Transmission Line Project.

B. Recommended Conclusions of Law

The Parties further agree that the record in this case contains sufficient probative evidence for the Board to find and determine, as conclusions of law, that:

(1) Applicant, AEP Ohio Transco, is a “person” pursuant to Section 4906.01(A) of the Ohio Revised Code.

(2) The proposed South Caldwell-Macksburg 138 kV Transmission Line Project is a “major utility facility” as defined by Section 4906.01(B)(2) of the Ohio Revised Code.

(3) Applicant’s application filed on May 23, 2016 complies with the requirements of Ohio Adm. Code §4906-15-01 et seq.

(4) The record establishes the need for the proposed South Caldwell-Macksburg 138 kV Transmission Line Project as required by Section 4906.10(A)(1) of the Ohio Revised Code.

(5) The record establishes the nature of the probable environmental impact from construction, operation and maintenance of the proposed South Caldwell-Macksburg 138 kV Transmission Line Project as required by Section 4906.10(A)(2) of the Ohio Revised Code.

(6) The record establishes that the proposed Preferred Route for the South Caldwell-Macksburg 138 kV Transmission Line Project represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations, as required by Section 4906.10(A)(3) of the Ohio Revised Code.

(7) The record establishes that the proposed Preferred Route for the South Caldwell-Macksburg 138 kV Transmission Line Project is consistent with plans for

expansion of the regional power system, and serves the interests of electric system economy and reliability, as required by Section 4906.10(A)(4) of the Ohio Revised Code.

(8) The record establishes that the proposed South Caldwell-Macksburg 138 kV Transmission Line Project, if conditioned in the certificate as recommended by the parties, will comply with Chapters 3704, 3734 and 6111 of the Ohio Revised Code, and all rules and regulations adopted under those chapters, and under Sections 1501.33, 1501.34 and 4561.32 of the Revised Code, all as required by Section 4906.10(A)(5) of the Ohio Revised Code.

(9)The record establishes that the proposed South Caldwell-Macksburg 138 kV Transmission Line Project will serve the public interest, convenience and necessity, as required by Section 4906.10(A)(6) of the Ohio Revised Code.

(10) The record establishes the impact of the proposed South Caldwell-Macksburg 138 kV Transmission Line Project on the viability as agricultural land of any land in an existing agricultural district established under Chapter 929 of the Ohio Revised Code that is located within the Preferred Route and Alternate Route of the proposed Project as required by Section 4906.10(A)(7) of the Ohio Revised Code.

C. Recommended Conditions of the Certificate of Environmental Compatibility and Public Need

(1) The facility shall be installed on the Applicant's Preferred Route, using the equipment, construction practices, and mitigation measures as presented in the application filed on May 23, 2016, and as modified and/or clarified by the Applicant's supplemental filings and further clarified by recommendations in the *Staff Report of Investigation*.

(2) The Applicant shall use 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 the *Staff Report of Investigation*.

(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 the *Staff Report of Investigation*.

(4) The Applicant shall conduct a preconstruction conference prior to the start of any construction activities. Staff, the Applicant, and representatives of the prime contractor and/or subcontractors for the project shall attend the preconstruction conference. 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 to ensure compliance with this condition. The Applicant may conduct separate preconstruction meetings for each stage of construction.

(5) At least 30 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. The Applicant shall provide and subsequent adjustments made to the engineering drawings expeditiously to Staff.

(6) 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 good cause prevents the Applicant from submitting a copy of the as-built specifications for the entire facility within 60 days after commencement of commercial operation, it may request informally 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.

(7) 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 filing the application.

(8) 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.

(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.

(10) At least 30 days prior to the preconstruction conference, the Applicant shall provide to Staff 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.

(11) 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. The Applicant shall give notification to property owners at least 30 days prior to work on the affected property.

(12) Prior to construction, the Applicant shall prepare and conduct a Phase I cultural resources survey program (which may include archaeological and architectural components) for the transmission line, laydown area(s) and access roads acceptable to Staff and the Ohio Historic Preservation Office (OHPO). If the resulting survey work discloses a find of cultural significance, or a site that could be eligible for inclusion in the National Register of Historic Places, then the Applicant shall prepare a mitigation or avoidance plan. Any such mitigation or avoidance effort, if needed, shall be developed in coordination with the OHPO and submitted to Staff for review to ensure compliance with this condition.

(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. The Applicant shall promptly repair or provide for the repair of, damaged field tile systems to at least original conditions at the Applicant's expense. If applicable, the Applicant shall segregate and restore excavated topsoil in accordance with the Applicant's lease

agreement with the landowner. The Applicant shall plow or otherwise de-compact severely compacted soils.

(14) If any caves or abandoned mines may be disturbed the Applicant shall coordinate with the United States Fish and Wildlife Service (USFWS) to determine if fall or spring portal surveys are warranted.

(15) The Applicant shall not conduct mechanized clearing within 25 feet of any stream channel.

(16) The Applicant shall adhere to seasonal cutting dates of October 1 through March 31 for removal of trees, unless coordination efforts with the Ohio Department of Natural Resources (ODNR) and the USFWS allow a different course of action.

(17) 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 ODNR 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.

(18) The Applicant shall contact Staff, the ODNR, and the USFWS 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 ODNR in coordination with the USFWS. 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.

(19) The Applicant shall provide a copy of any floodplain permit required for construction of this project, or a copy of correspondence with the floodplain administrator showing that no permit is required, to Staff within seven days of issuance or receipt by the Applicant.

(20) The Applicant shall not cross streams by fording for construction access and shall instead employ timber matting or other methods that avoid or minimize streambed disturbance.

(21) 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 of upcoming construction activities including potential for nighttime construction activities.

(22) 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 Ohio Environmental Protection Agency (Ohio EPA) General National Pollutant Discharge Elimination System (NPDES) permit(s) obtained for the project and the approved Stormwater Pollution Prevention Plan (SWPPP) created for this project.

(23) 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 EPA regulations.

(24) At least seven days before the preconstruction conference, the Applicant shall submit to Staff, for review, a copy of all NPDES permits including its approved SWPPP, approved Spill Prevention, Control, and Countermeasure procedures, and its erosion and sediment control plan. The Applicant must address any soil issues through proper design and adherence to the Ohio EPA best management practices related to erosion and sedimentation control.

III. EXHIBITS

The Parties agree and stipulate that the following information has been filed in the docket and is to be marked and admitted into the record as exhibits of this proceeding and that cross-examination is waived thereon:

- AEP Ohio Transco Exhibit No. 1: The Application filed on May 23, 2016 together with the Supplement filed on July 21, 2016 and certified as complete by the Board on July 22, 2016
- AEP Ohio Transco Exhibit No. 2: Proof of Publication filed on January 26, 2016
- AEP Ohio Transco Exhibit No. 3: Proof of Publication filed on August 12, 2016
- AEP Ohio Transco Exhibit No. 4: Proof of Publication filed on October 27, 2016
- AEP Ohio Transco Exhibit No. 5: Proof of Publication filed on November 14, 2016

- Staff Exhibit No. 1: Staff Report of Investigation filed on October 14, 2016
- Joint Exhibit No. 1: This Joint Stipulation and Recommendation

In deliberating the merits of the Application and reasonableness of this Stipulation, the Parties encourage the Board to review and consider all evidence and exhibits submitted and admitted in this case.

IV. OTHER STIPULATIONS

(1) This Joint Stipulation is expressly conditioned upon its acceptance by the Board without material modification. In the event the Board rejects or materially modifies all or part of this Joint Stipulation, or imposes additional conditions or requirements upon the Parties, each Party shall have the right, within thirty (30) days of the Board's order, to file an application for rehearing with the Board. Upon a grant of rehearing by the Board, each party shall have the right, within ten (10) days of the Board's order granting rehearing, to file a notice of termination and withdrawal of the Joint Stipulation. Upon notice of termination and withdrawal of the Stipulation by any party, pursuant to the above provisions, the Joint Stipulation shall immediately become null and void, and any party to the Joint Stipulation shall be free to petition the Board or the Attorney Examiner for such additional process as may be necessary to address any of the remaining issues in this case. In such an event, a hearing shall go forward, and the Parties shall be afforded the opportunity to present evidence through witnesses, to cross-examine all witnesses, to present rebuttal testimony, and to file briefs on all issues.

(2) The Parties agree and recognize that this Joint Stipulation has been entered into only for the purpose of this proceeding. Each party agrees not to assert against another party in any proceeding before the Board or any court, other than in a proceeding to enforce the terms of

this Joint Stipulation, that party's participation in this Joint Stipulation as support for any particular position on any issue. Each party further agrees that it will not use this Joint Stipulation as factual or legal precedent on any issue, except as may be necessary to support enforcement of this Joint Stipulation. The Parties request that the Board recognize that its use of this Joint Stipulation in any proceeding other than this proceeding is contrary to the intentions of the Parties in entering into this Joint Stipulation.

WHEREFORE, based upon the record and the information and data contained therein, the Signatory Parties recommend that the Board issue a Certificate of Environmental Compatibility and Public Need for construction, operation and maintenance of the proposed South Caldwell—Macksburg 138 kV transmission line on the Preferred Route as described in the Application filed with the Board on May 23, 2016.

Respectfully submitted on behalf of:

STAFF OF THE OHIO POWER SITING BOARD

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AEP OHIO TRANSMISSION COMPANY

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing has been served upon the individuals listed via electronic mail, this 16th day of November, 2016.

Erin C. Miller

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Summary: Testimony electronically filed by Mrs. Erin C Miller on behalf of AEP Ohio
Transmission Company