

BEFORE

THE OHIO POWER SITING BOARD

**IN THE MATTER OF THE APPLICATION OF
AEP OHIO TRANSMISSION COMPANY, INC.
FOR A CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED FOR THE
CONSTRUCTION OF THE WEST BELLAIRE-
GLENCOE 138 kV TRANSMISSION LINE
TRANSMISSION LINE REBUILD PROJECT.**

CASE NO. 16-1557-EL-BTX

ENTRY

Entered in the Journal on May 12, 2017

{¶ 1} Pursuant to R.C. 4906.04, no person shall construct a major utility facility without having obtained a certificate from the Ohio Power Siting Board (Board). In seeking a certificate, applicants must comply with the filing requirements outlined in R.C. 4906.06, as well as Ohio Adm.Code 4906-5-01 and 4906-2-01.

{¶ 2} On October 13, 2016, AEP Ohio Transmission Company, Inc. (AEP Ohio Transco) filed with the Board a pre-application notification letter for a Certificate of Environmental Compatibility and Public Need for the West Bellaire-Glencoe 138 kilovolt (kV) Transmission Line Rebuild Project (Project). The Project, as proposed, involves upgrading about 6 miles of existing 69 kV transmission line to 69/138 kV in Pultney, Richland, and Smith Townships in Belmont County, Ohio.

{¶ 3} Thereafter, on January 27, 2017, AEP Ohio Transco filed its application in this proceeding. AEP Ohio Transco states that the Project, as proposed, will help ensure the continued reliability of the area's transmission system and will support the development of the area's economy.

{¶ 4} Pursuant to Ohio Adm.Code 4906-3-06, within 60 days after receipt of an application for a major utility facility, the Chairman of the Board shall notify an applicant of the acceptance or rejection of the application as complete. By letter filed on March 28, 2017, the Board notified AEP Ohio Transco that its application was

sufficiently complete to permit Staff to commence its review and investigation of the application. The letter directed AEP Ohio Transco, pursuant to Ohio Adm.Code 4906-3-06 and 4906-3-07, to serve appropriate government officials and public agencies with copies of the complete, certified application and to file proof of service with the Board. Further, the letter directed AEP Ohio Transco, pursuant to R.C. 4906.06(F) and Ohio Adm.Code 4906-3-12, to submit the requisite application fee.

{¶ 5} On April 10, 2017, AEP Ohio Transco filed its certificate of service of its accepted and complete application, in accordance with the requirements of Ohio Adm.Code 4906-3-07. AEP Ohio Transco also submitted the application fee to the Board, pursuant to Ohio Adm.Code 4906-3-12. The effective date of the filing of the application shall be April 28, 2017.

{¶ 6} R.C. 4906.07(A) provides that, upon receipt of an application complying with R.C. 4906.06, the Board must promptly fix a date for a public hearing not less than 60 nor more than 90 days after such receipt, and shall conclude the proceeding as expeditiously as practicable.

{¶ 7} Accordingly, the local public hearing in this case will be held on July 10, 2017, at 6:00 p.m. at the Bellaire High School, 349 35th Street, Bellaire, Ohio 43906. The adjudicatory hearing will commence on July 20, 2017, at 10:00 a.m., 11th floor, Hearing Room 11-C, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.

{¶ 8} Additionally, the administrative law judge (ALJ) finds that petitions to intervene in this proceeding will be accepted by the Board up to 30 days following publication of the notice required by Ohio Adm.Code 4906-3-09, or by June 15, 2017, whichever is later.

{¶ 9} AEP Ohio Transco should issue public notices of the application and hearings in accordance with Ohio Adm.Code 4906-3-09. As part of the information to

be included in the notices, as required by Ohio Adm.Code 4906-3-09, AEP Ohio Transco shall include a statement that the public hearing in this case shall consist of two parts:

- (a) Local public hearing, pursuant to R.C. 4906.08(C), where the Board shall accept written or oral testimony from any person, commencing on July 10, 2017, at 6:00 p.m., at Bellaire High School, 349 35th Street, Bellaire, Ohio 43906.
- (b) An adjudicatory hearing to commence on July 20, 2017, at 10:00 a.m., 11th floor, Hearing Room 11-C, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.

{¶ 10} Further, regarding the initial public notice required under Ohio Adm.Code 4906-3-09, AEP Ohio Transco shall include the following statement as a part of the public notice:

Petitions to intervene in the adjudicatory hearing will be accepted by the Board up to 30 days following publication of the notice required by Ohio Adm.Code 4906-3-09, or by June 15, 2017, whichever is later. However, the Board strongly encourages interested persons who wish to intervene in the adjudicatory hearing to file their petitions as soon as possible. Petitions should be addressed to Docketing Division, the Ohio Power Siting Board, 180 East Broad Street, Columbus, Ohio 43215-3793 and cite the above-listed case number.

{¶ 11} Ohio Adm.Code 4906-2-09 provides that the ALJ shall regulate the course of the hearing including requiring that expert or factual testimony to be offered in Board proceedings be reduced to writing and filed with the Board, according to a schedule established by the ALJ. Accordingly, the ALJ finds that the following procedural schedule and process should be implemented:

- (a) Pursuant to Ohio Adm.Code 4906-3-06, Staff shall file its report of investigation (Staff Report) on or before June 23, 2017.
- (b) On or before June 30, 2017, each party shall file a list of issue(s) citing specific concerns about which they may be interested in pursuing cross-examination of witnesses at the evidentiary hearing.
- (c) All expert and factual testimony to be offered by AEP Ohio Transco shall be filed by July 7, 2017.
- (d) All expert and factual testimony to be offered by intervenors and Staff shall be filed by July 13, 2017.
- (e) The parties are strongly encouraged to arrange for electronic service of testimony and other pleadings among themselves. If electronic service is agreed to, the parties are also directed to provide an electronic copy to the ALJ assigned to this case.

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That hearings in this matter be scheduled at the times and places designated in paragraph (7). It is, further,

{¶ 14} ORDERED, That the application and hearings be noticed by AEP Ohio Transco in accordance with paragraphs (9) and (10). It is, further,

{¶ 15} ORDERED, That Staff file its Staff Report pursuant to paragraph (11). It is, further,

{¶ 16} ORDERED, That the parties file their issue lists and testimony in accordance with paragraph (11). It is, further,

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

THE OHIO POWER SITING BOARD

/s/ Daniel E. Fullin

By: Daniel E. Fullin
Administrative Law Judge

JRJ/dah

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in

Case No(s). 16-1557-EL-BTX

Summary: Administrative Law Judge Entry that sets the procedural schedule in this case.
Entry electronically filed by Debra Hight on behalf of Daniel E. Fullin, Administrative Law Judge.