

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
CONSTRUCTION OF THE MACKSBURG-
DEVOLA 138 kV TRANSMISSION LINE
PROJECT.**

CASE NO. 16-702-EL-BTX

ENTRY

Entered in the Journal on August 14, 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 for a transmission line, applicants must comply with the filing requirements outlined in R.C. 4906.06, as well as Ohio Adm.Code 4906-2, 4906-3, and 4906-5.

{¶ 2} On November 16, 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 Macksburg-Devola 138 kilovolt (kV) Transmission Line Project (Project). The Project, as proposed, involves construction of a new 138 kV electric transmission line from the proposed Macksburg substation to the proposed Devola substation. Both proposed substations will be located in central Washington County, Ohio. The Project is one component of the applicant's overall Southeast Ohio Area Improvement Program, which will improve local service for customers, decrease power interruptions, and speed recovery of local service when outages occur.

{¶ 3} Thereafter, on March 3, 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 May 9, 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 May 26, 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 August 11, 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 October 10, 2017, at 6:00 p.m. at the Lower Salem Elementary School, 10930 OH-821, Lower Salem, Ohio 45745. The adjudicatory hearing will commence on October 19, 2017, at 10:00 a.m., 11th floor, Hearing Room 11-B, 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 September 22, 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 October 10, 2017, at 6:00 p.m. at the Lower Salem Elementary School, 10930 OH-821, Lower Salem, Ohio 45745.
- (b) An adjudicatory hearing to commence on October 19, 2017, at 10:00 a.m., 11th floor, Hearing Room 11-B, 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 September 22, 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 September 22, 2017.
- (b) On or before September 29, 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 October 12, 2017.
- (d) All expert and factual testimony to be offered by intervenors and Staff shall be filed by October 12, 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). 16-0702-EL-BTX

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