

**BEFORE THE OHIO POWER SITING BOARD**

<b>In the Matter of the Application of</b>	)	
<b>AEP Ohio Transmission Company, Inc.</b>	)	
<b>for a Certificate of Environmental</b>	)	<b>Case No. 16-0702-EL-BTX</b>
<b>Compatibility and Public Need for</b>	)	
<b>Construction of the Macksburg-Devola</b>	)	
<b>138 kV Transmission Line Project.</b>	)	

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**MOTION OF AEP OHIO TRANSMISSION COMPANY, INC. FOR EXTENSION OF  
PROCEDURAL SCHEDULE AND CONTINUANCE OF HEARING DATES AND  
REQUEST FOR WAIVER**

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Pursuant to Rules 4906-2-07(A) and 4906-2-27 of the Ohio Revised Code, AEP Ohio Transmission Company, Inc. (“AEP Ohio Transco”) respectfully moves for a short extension of the procedural schedule in this proceeding and continuance of the current local public and adjudicatory hearing dates and requests a waiver of the notice timing requirement set forth in O.A.C. 4906-3-09(A). The grounds for this motion are set forth more fully in the accompanying memorandum in support.

Respectfully submitted,

/s/ Christen M. Blend

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**Counsel for Applicant**  
**AEP Ohio Transmission Company, Inc.**

## **MEMORANDUM IN SUPPORT**

Rule 4906-2-07(A) of the Ohio Administrative Code authorizes the Administrative Law Judge to grant extensions of time and continuances of public hearings upon motion and for good cause shown. AEP Ohio Transmission Company, Inc. (“AEP Ohio Transco”) respectfully requests a short extension of the procedural schedule in this proceeding and continuance of the current local public and adjudicatory hearing dates and a waiver of the notice timing requirement set forth in O.A.C. 4906-3-09 in order to fully comply with O.A.C. 4906-3-09’s public notice requirements.

On August 14, 2017, the Administrative Law Judge issued an Entry that, among other things, determined that the effective date of the filing of AEP Ohio Transco’s application in this proceeding was August 11, 2017. Entry at ¶ 5 (Aug. 14, 2017). Pursuant to R.C. 4906.07, which provides that the Ohio Power Siting Board (OPSB) “must promptly fix a date for a public hearing not less than 60 nor more than 90 days after \* \* \* receipt” of an application that complies with R.C. 4906.06, the Entry provides that the local public hearing in this case is to be held on October 10, 2017, and the adjudicatory hearing is to commence on October 19, 2017. *Id.* at ¶ 7. The Entry also establishes a procedural schedule, based upon the hearing dates, for AEP Ohio Transco and OPSB Staff to file all expert and factual testimony. *Id.* at ¶ 11. The Entry further directs AEP Ohio Transco to issue public notices of the application and hearings pursuant to O.A.C. 4906-3-09. *Id.* at ¶ 9-10.

Due to an administrative oversight, AEP Ohio Transco inadvertently did not provide the notices required by Rule 4906-3-09(A) within the time periods specified in that rule. Accordingly, AEP Ohio Transco requests a short continuance of the local public and adjudicatory hearing dates, and an equivalent extension of the current testimony deadlines, in

order to complete service. Specifically, AEP Ohio Transco requests that the local public hearing be scheduled to occur on or before November 9, 2017, which is the end of the 60- to 90-day period specified in R.C. 4906.07, and that the Administrative Law Judge set the adjudicatory hearing date and testimony deadline based upon the date of the local public hearing. In order to ensure that constituents are informed of the change in this matter's procedural schedule, AEP Ohio Transco will post a notice of the cancellation of the local public and adjudicatory hearings at the local public hearing location. A copy of that notice is attached as Exhibit A.

AEP Ohio Transco also requests a waiver of the requirement that it serve initial notice pursuant to O.A.C. 4906-3-09(A)(1) within 15 days of the filing of the accepted, complete application in this proceeding. AEP Ohio Transco will promptly provide the initial notice, in substantial compliance with the rule's requirements. *See* O.A.C. 4906-3-09(B) (stating that inadvertent failure to provide the notice described in the rule "shall not constitute a failure to give public notice, provided substantial compliance with [the rule's] requirements is met").

The small extension, continuance, and waiver that AEP Ohio Transco has requested are reasonable, will not prejudice any interested party or constituent, and will enable AEP Ohio Transco to substantially comply with O.A.C. 4906-3-09's requirements. Accordingly, for good cause shown, AEP Ohio Transco respectfully requests that this Motion be granted in its entirety.

Respectfully submitted,

/s/ Christen M. Blend

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**Counsel for Applicant**  
**AEP Ohio Transmission Company, Inc.**

### **CERTIFICATE OF SERVICE**

Pursuant to Ohio Adm. Code 4906-2-05, the OPSB's e-filing system will electronically serve notice of the filing of this document upon the following parties. In addition, I hereby certify that a service copy of the foregoing *Motion for Extension of Procedural Schedule and Continuance of Hearing Dates and Request for Waiver* was sent by, or on behalf of, the undersigned counsel to the following individuals via e-mail on this 10th day of October, 2017.

/s/ Christen M. Blend

Christen M. Blend

thomas.lindgren@ohioattorneygeneral.gov  
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## **Exhibit A**



**AEP Ohio**  
700 Morrison Road  
Gahanna, OH 43230

October 10, 2017

**RE: Local Public Hearing CANCELLED for a Proposed Major Utility Facility  
AEP Ohio Transmission Company, Inc.  
Macksburg-Devola 138kV Transmission Line Rebuild Project  
Ohio Power Siting Board Case Number: 16-0702-EL-BTX**

Dear Landowner,

The local public hearing in this case scheduled for October 10, 2017 and the adjudicatory hearing in this case scheduled for October 19, 2017 have been cancelled; the local public hearing and the adjudicatory hearing will be rescheduled to future dates and times; and notice of the new dates and time will be published.

The project is known as the Macksburg-Devola 138kV Transmission Line Rebuild Project. AEP Ohio Transco filed its Application with the OPSB, under Case No. 16-0702-EL-BTX. This number should be included in all communications about this project. The Application to construct, operate and maintain this facility is pending before the board.

The Macksburg-Devola line is a 138-kilovolt transmission line that is part of the overall Southeast Ohio Area Improvements and connects Macksburg Substation to the new Devola Substation in Washington County. This project will improve service for customers, cut down on power outages and speed service restoration when outages occur. The Macksburg-Devola line will be approximately 17 miles long, depending on the route selected. The line will likely run through Adams, Aurelius, Marietta, Muskingum and Salem townships in Washington County.

On behalf of AEP Ohio, I apologize about any inconvenience. If you have any questions or would like more information, please call me at 614-552-1929 or toll free at 877-215-9261.

Sincerely,

A handwritten signature in blue ink that reads 'Erin Miller'.

Erin Miller  
Project Outreach Specialist

cc: AEP Legal Counsel  
Liz Decima, Project Manager

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

**Commission of Ohio Docketing Information System on**

**10/10/2017 3:58:05 PM**

**in**

**Case No(s). 16-0702-EL-BTX**

Summary: Motion electronically filed by Ms. Christen M. Blend on behalf of AEP Ohio Transmission Power Company, Inc.