

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. 16-1557-EL-BTX
Compatibility and Public Need for the)	
West Bellaire-Glencoe 138 kV)	
Transmission Line Rebuild Project)	

JOINT STIPULATION AND RECOMMENDATION

I. INTRODUCTION

AEP Ohio Transmission Company, Inc. (“AEP Ohio Transco” or the “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 West Bellaire-Glencoe 138 kV Transmission Line Rebuild Project (“Project”).

AEP Ohio Transco plans to rebuild the existing single-circuit West Bellaire-Glencoe 69 kilovolt (kV) line in Belmont County, Ohio as a double-circuit 138 kV line, with one side of the circuit to initially be energized at 69 kV. Installation of the 138 kV circuit will facilitate the installation of a 138-69 kV transformer source at Glencoe substation, which will significantly improve reliability for the area and eliminate thermal loading under system contingencies. The Project will improve local service for customers, decrease power interruptions, and speed recovery of local service when outages occur. It will also provide additional transmission service to Belmont County and improve electric service reliability in the southeastern Ohio area. 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. Additional details can be found in the January 27, 2017 Application's ("Application") Review of Need and Schedule, in Section 4906-5-03, which the Parties incorporate by reference herein.

The proposed Project will be located in Pultney, Richland, and Smith Townships of Belmont County. The Project will extend from the existing West Bellaire substation to the existing Glencoe substation for a total length of approximately six miles. The Project will consist of supporting structures and conductors for a double-circuit 138 kV transmission line, with one side energized at 69 kV and the other side energized at 138 kV. The 69 kV side will serve Ohio Power Company's Neffs distribution substation. A combination of steel structures is proposed for the Project. Structure type will vary based on topography, and all proposed structures are anticipated to average 100 feet in height with a proposed average span of 500 feet. Figure 02-1 in the Application shows the Project vicinity, substation interconnection points, and the Preferred and Alternate Routes identified by AEP Ohio Transco.

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

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 practice. The Project is more fully

described in the Application. This Joint Stipulation 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 (“Certificate”) for construction and operation of the West Bellaire-Glencoe 138 kV Transmission Line Rebuild Project, as identified in the Application, and subject to the conditions set forth 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 an Ohio corporation and a wholly-owned subsidiary of AEP Transmission Company, LLC, which is a Delaware limited liability company.
- (2) The proposed West Bellaire-Glencoe 138 kV Transmission Line Rebuild Project is a “major utility facility,” as defined in Section 4906.01(B)(1) of the Ohio Revised Code.
- (3) On October 13, 2016, the Applicant filed its proof of notification to property owners and affected tenants of the date of the public informational meeting held pursuant to O.A.C. 4906-3-03(B)(2).

- (4) On October 13, 2016, the Applicant filed a pre-application notification letter for a Certificate to rebuild the existing single-circuit West Bellaire-Glencoe 69 kilovolt (kV) electric transmission line in Belmont County, Ohio as a double-circuit 138 kV line, with one side of the circuit to initially be energized at 69 kV, pursuant to O.A.C. 4906-3-03(A).
- (5) On November 1, 2016, the Applicant held a public informational meeting regarding the Project.
- (6) On January 27, 2017, the Applicant filed the West Bellaire-Glencoe 138 kV Transmission Line Rebuild Project Application.
- (7) On March 28, 2017, the Director of Rates and Analysis of the Public Utilities Commission of Ohio issued a letter of compliance regarding the Application to the Applicant. On April 10, 2017, the Applicant filed proof of service of the certified application on local officials pursuant to O.A.C. 4906-3-07.
- (8) On June 21, 2017, the Administrative Law Judge issued an Entry suspending the procedural schedule in order to provide additional time for the Company to submit, and Staff to consider, supplemental engineering adjustments concerning the Project.
- (9) On August 18, 2017, the Applicant submitted additional information regarding the supplemental engineering adjustments.
- (10) On August 25, 2017, the Director of Rates and Analysis of the Public Utilities Commission of Ohio issued a second letter of compliance regarding the Application to the Applicant. On September 15 and 18, 2017, the Applicant filed proof of service in compliance with O.A.C. 4906-3-07.

- (11) On September 22, 2017, the Administrative Law Judge issued an Entry resetting the effective date for the application to September 15, 2017, scheduling local public and adjudicatory hearings in this matter, ordering AEP Ohio Transco to notice the hearings, and establishing a procedural schedule for the filing of lists of issues and testimony.
- (12) On October 27, 2017, OPSB Staff filed its Report of Investigation (“Staff Report”).
- (13) On October 30, November 2, and November 7, 2017, the Applicant filed its proofs of publication and notice regarding the date, time, and location of the public hearing and adjudicatory hearing, including proof of notice of the public hearing and adjudicatory hearing to affected property owners and elected officials, in substantial compliance with O.A.C. 4906-3-09(A).
- (14) On November 14, 2017, a local public hearing was held at Bellaire High School in Bellaire, Ohio.
- (15) Adequate data on the proposed West Bellaire-Glencoe 138 kV Transmission Line Rebuild 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.
- (16) Adequate data on the proposed West Bellaire-Glencoe 138 kV Transmission Line Rebuild 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.

- (17) Adequate data on the proposed West Bellaire-Glencoe 138 kV Transmission Line Rebuild 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 January 27, 2017, 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.
- (18) Adequate data on the proposed West Bellaire-Glencoe 138 kV Transmission Line Rebuild 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.
- (19) Adequate data on the proposed West Bellaire-Glencoe 138 kV Transmission Line Rebuild 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 Sections 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.
- (20) Adequate data on the proposed West Bellaire-Glencoe 138 kV Transmission Line Rebuild 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.

- (21) Adequate data on the proposed West Bellaire-Glencoe 138 kV Transmission Line Rebuild 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.
- (22) Adequate data on the proposed West Bellaire-Glencoe 138 kV Transmission Line Rebuild Project has been provided to the Board and OPSB Staff to determine that the facility incorporates maximum feasible 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. Due to the fact that the facility will not require the use of water for operation, Section 4906.10(A)(8) of the Ohio Revised Code is not applicable to certification of the Project.
- (23) 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 West Bellaire-Glencoe 138 kV Transmission Line Rebuild 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 West Bellaire-Glencoe 138 kV Transmission Line Rebuild Project is a “major utility facility” as defined by Section 4906.01(B)(2) of the Ohio Revised Code. Applicant’s Application, filed on January 27, 2017, complies with the requirements of Ohio Adm. Code 4906-5-01, *et seq.*
- (3) The record establishes the need for the proposed West Bellaire-Glencoe 138 kV Transmission Line Rebuild Project as required by Section 4906.10(A)(1) of the Ohio Revised Code.
- (4) The record establishes the nature of the probable environmental impact from construction, operation and maintenance of the proposed West Bellaire-Glencoe 138 kV Transmission Line Rebuild Project as required by Section 4906.10(A)(2) of the Ohio Revised Code.
- (5) The record establishes that the proposed West Bellaire-Glencoe 138 kV Transmission Line Rebuild Project, if conditioned in the Certificate as recommended by the Parties, 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.
- (6) The record establishes that the proposed Preferred Route for the West Bellaire-Glencoe 138 kV Transmission Line Rebuild 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.

- (7) The record establishes that the proposed West Bellaire-Glencoe 138 kV Transmission Line Rebuild 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.
- (8) The record establishes that the proposed West Bellaire-Glencoe 138 kV Transmission Line Rebuild Project, if conditioned in the Certificate as recommended by the Parties, will serve the public interest, convenience and necessity, as required by Section 4906.10(A)(6) of the Ohio Revised Code.
- (9) The record establishes the impact of the proposed West Bellaire-Glencoe 138 kV Transmission Line Rebuild 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.
- (10) The record establishes that the proposed West Bellaire-Glencoe 138 kV Transmission Line Rebuild Project incorporates maximum feasible water conservation practices as determined by the board, considering available technology and the nature and economics of the various alternatives required by Section 4906.10(A)(8) 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, utilizing the equipment, construction practices, and mitigation measures as presented in the Application filed on January 27, 2017 and as supplemented on August 18, 2017, and further clarified by recommendations in the Staff Report.
- (2) 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.
- (3) 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 the facility, temporary and permanent access roads, construction staging areas, and any other associated facilities and access points, so that Staff can determine that the final project design is in compliance with the terms of the Certificate. The final project layout shall be provided in hard copy and as geographically-referenced electronic data. 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.

- (4) 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.
- (5) At least 30 days prior to the preconstruction conference, the Applicant shall provide to Staff a copy of its public information program that informs affected property owners and tenants 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 and tenants at least 30 days prior to work on the affected property.
- (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 issuance of the Certificate.
- (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 in areas that require permits or authorizations by federal or state laws and regulations, the Applicant shall obtain and comply with such permits or authorizations, including any permits necessary for aviation clearance. 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. The Applicant shall provide a schedule of construction activities and acquisition of corresponding permits for each activity at the preconstruction conference.
- (10) The Applicant shall replace agricultural field tiles damaged from this project, and that excavated topsoil in agricultural fields will be segregated and restored upon backfilling.
- (11) The Applicant shall coordinate with the State Historic Preservation Office to determine if the Project is likely to impact any archeological or cultural resources that could be eligible for inclusion in the National Register of Historic Places. If such resources are identified, then the Applicant shall either avoid the resource or develop a mitigation plan in consultation with the State Historic Preservation Office. Such a plan shall be submitted to Staff to

ensure compliance with this condition.

- (12) The Applicant shall not conduct mechanized clearing or stump removal within 25 feet of any stream channel.
- (13) The Applicant shall adhere to seasonal cutting dates of October 1 through March 31 for removal of any trees greater than or equal to three inches in diameter, unless coordination efforts with the Ohio Department of Natural Resources (ODNR) and the U.S. Fish and Wildlife Service (USFWS) allow a different course of action.
- (14) The Applicant shall provide a construction access plan for review prior to the preconstruction conference. The plan shall 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 shall 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.
- (15) 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.
- (16) 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.

- (17) Prior to the commencement of construction activities that require transportation permits, the Applicant shall obtain all such permits. The Applicant shall coordinate with the appropriate authority regarding any temporary or permanent road closures, lane closures, road access restrictions, and traffic control necessary for construction and operation of the proposed facility.
- (18) 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 the Project.
- (19) 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.

- (20) 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 Ohio EPA best management practices related to erosion and sedimentation control.
- (21) The Applicant shall re-coordinate with the Federal Aviation Administration (FAA) and the Ohio Department of Transportation once final pole locations and heights are determined for the Project. Additionally, the Applicant shall provide Staff with completed FAA 7460-1 forms. If the proposed pole locations and heights constitute a hazard to air navigation then further coordination with Staff.

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: Proof of Notification regarding Public Information Open House filed on October 13, 2016
- AEP Ohio Transco Exhibit No. 2: Pre-Application Notification Letter filed on October 13, 2016
- AEP Ohio Transco Exhibit No. 3: The Application filed on January 27, 2017, as supplemented August 18, 2017, and certified as complete by the Board on August 25, 2017.

- AEP Ohio Transco Exhibit No. 4: Proofs of Notification filed on September 15 and 18, 2017.
- AEP Ohio Transco Exhibit No. 5: Proof of Notification filed on October 30, 2017.
- AEP Ohio Transco Exhibit No. 6: Proof of Publication filed on November 2, 2017.
- AEP Ohio Transco Exhibit No. 7: Proof of Publication filed on November 7, 2017.
- AEP Ohio Transco Exhibit No. 8: Direct Testimony of Ronald M. Howard, Jr. filed on November 17, 2017.
- Staff Exhibit No. 1: Staff Report of Investigation filed on October 27, 2017.
- Staff Exhibit No. 2: Prefiled Testimony of James S. O'Dell filed on November 20, 2017.
- Joint Exhibit No. 1: This Joint Stipulation.

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 after 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 after 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 of the Parties 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 of the Parties 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 West Bellaire-Glencoe 138kV Transmission Line Rebuild Project as described in the Application filed with the Board on January 27, 2017.

Respectfully submitted on behalf of:

STAFF OF THE OHIO POWER SITING BOARD

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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 17th day of November, 2017.

/s/ Christen M. Blend

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