

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 West Bellaire-Glencoe 138 kV Transmission Line Project.))))))	Case No. 16-1557-EL-BTX
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AEP OHIO TRANSMISSION COMPANY, INC.’S MOTION FOR WAIVER

Pursuant to Rules 4906-2-01(B) and 4906-2-27 of the Ohio Revised Code, AEP Ohio Transmission Company, Inc. (“AEP Ohio Transco”) respectfully moves for a waiver of the public notice requirement set forth in O.A.C. 4906-3-03(B)(1). 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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MEMORANDUM IN SUPPORT

Rule 4906-2-01(B) of the Ohio Administrative Code authorizes the Ohio Power Siting Board (“Board”) to waive any requirement of that chapter other than a requirement mandated by statute. AEP Ohio Transmission Company, Inc. (“AEP Ohio Transco”) respectfully requests a waiver of the public notice requirement set forth in O.A.C. 4906-3-03(B)(1), which requires an applicant for a certificate of environmental compatibility and public need to issue a public notice in newspapers of general circulation in the project area that contains information about the public informational meeting held pursuant to O.A.C. 4906-3-03(B).

AEP Ohio Transco held its public information meeting regarding the West Bellaire-Glencoe 138 kilovolt (kV) Transmission Line Project (the “Project”) on November 1, 2016, in compliance with O.A.C. 4906-3-03(B). Consistent with O.A.C. 4906-3-03(B)(2), AEP Ohio Transco sent a letter to each of 72 directly impacted and adjacent property owners and affected tenants, advising them of the public informational meeting, and providing the other information required by that rule, on October 11, 2016, and docketed its proof of notification on October 13, 2016. Due to an administrative oversight, however, AEP Ohio Transco inadvertently did not publish the newspaper notice contemplated in Rule 4906-3-03(B)(1).

Waiver of the requirements of Rule 4906-3-03(B)(1) is appropriate in this case, as AEP Ohio Transco has substantially complied with its notice obligations with respect to the Application and Project at issue. As noted above, AEP Ohio Transco mailed letters to 72 landowners and affected tenants directly impacted by or adjacent to the Project’s preferred and alternate routes, in compliance with O.A.C. 4906-3-03(B)(2). Five individuals attended the public informational meeting, and one provided comments regarding the proposed route. A second landowner provided a comment about the alternate route after the public information

meeting. (*See* Appl. at 4-2.) AEP Ohio Transco has also maintained information on its website for the Project in substantially the same form as the newspaper notice would have taken since before the public informational meeting. AEP Ohio Transco filed its Application on January 27, 2017, and it has complied with all notice and service requirements set forth in O.A.C. Chapter 4906-3. No additional public comments have been filed regarding the Project.

Consistent with the rules, interested landowners and tenants have received several notices of the proposed Project by mail and in the newspaper over the course of this case. Ample time has passed while the Application was pending during which interested landowners and tenants could have participated in the process, if they desired – and some have. A local public hearing was held on November 14, 2017, at which one property owner on the alternate route testified. AEP Ohio Transco and Board Staff filed a Joint Stipulation and Recommendation on November 17, 2017, and an adjudicatory hearing was held on November 21, 2017. No landowner or tenant voiced opposition to the Joint Stipulation and Recommendation or appeared at the adjudicatory hearing.

The Board's refusal to grant the requested waiver would be prejudicial to AEP Ohio Transco and the public. This matter has been pending for over a year, and if a waiver is not granted, AEP Ohio Transco and the Board's Staff would face significant time and expense duplicating efforts that have already been undertaken once. Moreover, AEP Ohio Transco has no reason to believe that any landowner or tenant failed to receive ample notice of the Project or was confused or misinformed about it due to the inadvertent omission of one newspaper publication before the Application was filed. To the contrary, however, landowners and tenants could be confused if the requested waiver were not granted and AEP Ohio Transco was required

to refile its Application, as they will receive additional notices regarding a Project about which they have already been informed and voiced their concerns, if any.

For the foregoing reasons, good cause exists to support the finding that AEP Ohio Transco has substantially complied with the notice requirements of O.A.C. Chapter 4906-3 and the Board's waiver of the requirements of Rule 4906-3-03(B)(1) here. Accordingly, AEP Ohio Transco respectfully requests that the Board waive the newspaper notice requirements of O.A.C. 4906-3-03(B)(1) in this case.

Respectfully submitted,

/s/ Christen M. Blend

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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 Waiver* was sent by, or on behalf of, the undersigned counsel to the following individuals via e-mail on this 20th day of December, 2017.

/s/ Christen M. Blend

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