

**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 SEAMAN-  
SARDINIA 138 kV TRANSMISSION LINE  
PROJECT.**

**CASE NO. 18-33-EL-BTX**

**ENTRY**

Entered in the Journal on August 21, 2018

{¶ 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 Chapters 4906-2, 4906-3, and 4906-5.

{¶ 2} On January 11, 2018, 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 Seaman-Sardinia 138 kilovolt (kV) Transmission Line Project (Project) in Brown County, Ohio. The Project, as proposed, involves construction of a new 138 kV electric transmission line, to replace the existing Seaman-Sardinia 69 kV line. The Project is intended to resolve existing reliability concerns which stem from the Sardinia Substation currently being served by an aging, single 11.9 mile radial line. That line which will be retired upon construction of the double circuit line proposed. The new line will be designed to operate at 138 kV. The proposed Project is approximately 3.7 to 4.5 miles in length, depending on the route selected, will be constructed using primarily steel, single-pole structures, and will require a new, approximately 100-foot-wide permanent right-of-way. On February 1, 2018, AEP Ohio Transco held a public information meeting to discuss the project with interested persons and landowners.

{¶ 3} Thereafter, on April 30, 2018, AEP Ohio Transco filed its application in this proceeding. AEP Ohio Transco states that the Project, as proposed, will upgrade an existing power source to the Brown County area's electric transmission grid and update the infrastructure to provide greater electric service reliability.

{¶ 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 June 29, 2018, 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 July 18, 2018, 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 10, 2018.

{¶ 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 administrative law judge (ALJ) finds that a local public hearing in this matter shall be held on October 11, 2018, at 6:00 p.m. at the Community Room

of the Sardinia Branch of The Brown County Public Library, 13309 Purdy Road, Sardinia, OH 45171. The evidentiary hearing will commence on November 5, 2018, 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.

{¶ 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) 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 11, 2018, at 6:00 p.m. at the Community Room of the Sardinia Branch of The Brown County Public Library, 13309 Purdy Road, Sardinia, OH 45171.
- (b) An evidentiary hearing to commence on November 5, 2018, 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. 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, Ohio Power Siting Board, 180 East Broad Street, Columbus, Ohio 43215-3793 and cite Case No. 18-33-EL-BTX.

{¶ 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 26, 2018.
- (b) On or before October 12, 2018, 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 23, 2018.
- (d) All expert and factual testimony to be offered by intervenors and Staff shall be filed by October 31, 2018.
- (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 Fullin

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By: Daniel E. Fullin  
Administrative Law Judge

JRJ/sc

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

**Commission of Ohio Docketing Information System on**

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**in**

**Case No(s). 18-0033-EL-BTX**

Summary: Administrative Law Judge Entry setting procedural schedule in accordance with Paragraph 11 and scheduling hearings at the times and places designated in Paragraph 7 - electronically filed by Sandra Coffey on behalf of Daniel Fullin, Attorney Examiner, Public Utilities Commission of Ohio