

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 THE
PINE RIDGE SWITCH-HEPPNER 138 kV
TRANSMISSION LINE PROJECT.**

CASE No. 18-31-EL-BTX

OPINION, ORDER, AND CERTIFICATE

Entered in the Journal on February 21, 2019

I. SUMMARY

{¶ 1} The Ohio Power Siting Board approves and adopts the stipulation and recommendation between AEP Ohio Transmission Company, Inc. and Staff and directs that a certificate be issued to AEP Ohio Transmission Company, Inc. to rebuild, to 138 kilovolt standards, 3.6 miles of the Berlin-Ross 69 kV transmission line located between the Pine Ridge Switch and the proposed Heppner Station in Jackson County, Ohio.

II. PROCEDURAL BACKGROUND

{¶ 2} All proceedings before the Ohio Power Siting Board (Board) are conducted according to the provisions of R.C. Chapter 4906 and Ohio Adm.Code Chapter 4906.

{¶ 3} Pursuant to R.C. 4906.04, no person shall construct a major utility facility without first having obtained a certificate from the Board. In seeking a certificate, applicants must comply with the filing requirements outlined in R.C. 4906.04, as well as Ohio Adm.Code Chapters 4906-2 and 4906-5.

{¶ 4} On January 4, 2018, AEP Ohio Transmission Company, Inc. (AEP Ohio Transco or Applicant) filed a pre-application notification letter with the Board concerning a certificate of environmental compatibility and public need to rebuild, to 138 kilovolt (kV) standards, 3.6 miles of the Berlin-Ross 69 kV transmission line located between the

Pine Ridge Switch and the proposed Heppner Station in Jackson County, Ohio (the Project).

{¶ 5} On January 9, 2018, AEP Ohio Transco filed proof of notification demonstrating its compliance with the notice requirements of Ohio Adm.Code 4906-3-03(B)(2). On January 11, 2018, the Applicant filed an affidavit as proof of publication of public notice pursuant to Ohio Adm.Code 4906-3-03(B)(1). On January 25, 2018, AEP Ohio Transco held a public information meeting to discuss the project with interested persons and landowners.

{¶ 6} On March 29, 2018, AEP OhioTransco filed its application with the Board for a certificate of environmental compatibility and public need for the Project. AEP Ohio Transco states that the proposed rebuild of the existing 69 kV transmission line to 138 kV standards will provide the benefit of faster recovery of service after outages, fewer service interruptions, and overall improved service to customers.

{¶ 7} By letter dated May 29, 2018, the Board notified AEP Ohio Transco that its application was compliant and provided sufficient information to permit the Staff to commence its review and investigation pursuant to Ohio Adm.Code 4906-1, et seq. The letter directed AEP Ohio Transco, pursuant to Ohio Adm.Code 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 application fee.

{¶ 8} On June 29, 2018, AEP Ohio Transco filed proof of service of its accepted and completed application on government officials and public agencies in accordance with the requirements of Ohio Adm.Code 4906-3-07.

{¶ 9} By Entry issued July 25, 2018, the administrative law judge (ALJ) set the effective date of the application as July 18, 2018. The Entry also set forth a procedural schedule under which a local public hearing would be conducted on October 10, 2018, at the Northview Elementary School Gymnasium located at 11507 Chillicothe Pike, Jackson, Ohio 45640. An evidentiary hearing was scheduled for October 24, 2018. The ALJ directed AEP Ohio Transco to issue public notices of the application and hearings pursuant to Ohio Adm.Code 4906-3-09 and indicated that petitions to intervene would be accepted until 30 days following service of the notices required by Ohio Adm.Code 4906-3-09.

{¶ 10} On August 16, 2018, AEP Ohio Transco filed proof of notification of the public hearing. As proof of notification, the Applicant provided copies of the letters that it distributed on August 9, 2018, to all affected landowners.

{¶ 11} On September 25, 2018, the Applicant filed proof of the second notice by publication, as required by Ohio Adm.Code 4906-3-09(A)(2).

{¶ 12} On September 25, 2018, pursuant to R.C. 4906.07(C), Staff filed a report of its investigation in this matter (Staff Report).

{¶ 13} The ALJ presided over the local public hearing on October 10, 2018. No public witnesses testified at the hearing.

{¶ 14} On October 15, 2018, AEP Ohio Transco and Staff (the Parties) jointly filed a stipulation and recommendation (Stipulation) intended by the Parties to resolve all matters pertinent to the Project.

{¶ 15} The ALJ presided over the adjudicatory hearing on October 24, 2018. At the hearing, AEP Ohio Transco presented the testimony of Alicia M. Cross and Staff presented the testimony of Jon C. Pawley in support of the Stipulation.

III. PROJECT DESCRIPTION

{¶ 16} The Project involves the installation of a new 138 kV overhead electric transmission line between the Pine Ridge Switch and the proposed Heppner Station to 138 KV standards. The new transmission line would replace 3.6 miles of the existing Berlin-Ross 69 kV transmission line, which has been in service since 1926. The transmission line serves customers in Ross and Jackson counties, Ohio. Upon installation of the new 138 kV transmission line, the 69 kV transmission line will be removed from service. The new line will operate at 69 kV until customer load necessitates 138 kV service. The Project is located in Jackson County, Ohio. AEP Ohio Transco will own, operate, and maintain the transmission line.

{¶ 17} AEP Ohio Transco has identified a preferred and alternate route after conducting a rebuild siting study (Applicant Ex. 3 at 1). The preferred route is approximately 3.6 miles long. For the most part, the route parallels either the northern or southern edge of the existing Berlin-Ross 69 kV transmission line right-of-way. The new line would be offset by approximately 25 to 50 feet from the centerline of the existing 69 kV line in order to allow the existing line to remain in service during construction. (Staff Ex. 1 at 6.)

{¶ 18} The preferred route exits the Pine Ridge Switch and follows the existing 69 kV line, along the southern edge of the right-of-way for approximately 0.9 miles, through forested and agricultural land. It then aligns with the alternate route for approximately 0.3 miles as the line crosses U.S. Highway 35. The line then crosses the Berlin-Ross line to the northern edge of the right-of-way and continues through forested and agricultural land for approximately 0.8 miles to the southeast. The line continues through forested, agricultural, and residential areas across the southern edge of the right-of-way of the Berlin-Ross line for approximately 1.6 miles southeast to the proposed Heppner Station. The total length of the preferred route is 3.6 miles. (Applicant Ex. 3 at 2; Staff Ex. 1 at 6.)

{¶ 19} The alternate route is approximately 3.6 miles long. It follows the centerline of the existing Berlin-Ross 69 kV transmission line. Upon exiting the Pine Ridge switch to the southeast, the alternate route follows the existing 69 kV line to the proposed Heppner Station. It follows the centerline without any offset. The alternate route would require the existing 69 kV line be removed from service during construction. (Applicant Ex. 3 at 2; Staff Ex. 1 at 6.)

IV. CERTIFICATION CRITERIA

{¶ 20} Pursuant to R.C. 4906.10(A), the Board shall not grant a certificate for the construction, operation, and maintenance of a major utility facility, either as proposed or as modified by the Board, unless it finds and determines all of the following:

- (1) The basis of the need for the facility if the facility is an electric transmission line or gas or natural gas transmission line.
- (2) The nature of the probable environmental impact.
- (3) The facility 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.
- (4) In the case of an electric transmission line or generating facility, such facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving this state an interconnected utility systems, and that the facility will serve the interests of electric system economy and reliability.

- (5) The facility will comply with R.C. chapters 3704, 3734, and 6111 and all rules and standards adopted under those chapters and under R.C. 1501.33, 1501.34, and 4561.32.
- (6) The facility will serve the public interest, convenience, and necessity.
- (7) The impact of the facility on the viability as agricultural land of any land in an existing agricultural district established under R.C. Chapter 929 that is located within the site and alternate site of the proposed major facility.
- (8) The facility incorporates maximum feasible water conservation practices as determined by the Board, considering available technology and the nature and economics of various alternatives.

V. SUMMARY OF THE EVIDENCE

{¶ 21} The Board will review the evidence presented with regard to each of the eight criteria by which we are required to evaluate these applications. Any evidence not specifically addressed has nevertheless been considered and weighed by the Board in reaching its final determination.

A. *Local Public Hearing*

{¶ 22} A local public hearing was held on October 10, 2018, at Northville Elementary School, 11507 Chillicothe Pike, Jackson, Ohio to allow members of the community to testify concerning the proposed Project. No one attended to testify at the hearing (Oct. 10, 2018 Tr. at 6).

B. Staff Report

{¶ 23} Pursuant to R.C. 4906.07(C), Staff completed an investigation into the application, which included recommended findings regarding R.C. 4906.10(A). The following is a summary of Staff's findings.

1. BASIS OF NEED-R.C. 4906.10(A)(A)

{¶ 24} R.C. 4906.10(A)(1) specifies that, if the proposed facility is an electric transmission line or a gas pipeline, the need for the proposed project must be demonstrated.

{¶ 25} Staff notes that the existing 69 kV transmission line was constructed in 1926. According to Staff, the 92-year-old line has a very poor performance history and extended outage recovery times. The construction of a 138 kV transmission line is expected to improve reliability, reduce service interruptions, improve service to customers, and hasten recovery time after outages. Staff also notes that the Project is not expected to impact adversely the existing transmission grid. As such, Staff concludes that the Applicant has demonstrated the basis of need due to the reliability issues caused by the age of the existing 1926 transmission line. (Staff Ex. 1 at 13.)

2. NATURE OF PROBABLE ENVIRONMENTAL IMPACT

{¶ 26} R.C. 4906.10(A)(2) requires that the Board determine the nature of the probable environmental impact of the proposed facility. As a part of the investigation, Staff reviewed the nature of the probable environmental impact of the Project. The following is a summary of Staff's findings regarding the nature of the probable environmental impacts of the Project:

a. Socioeconomic Impacts

{¶ 27} Staff does not expect that the Project will interfere with planned or unplanned land use in the area. There are no formally adopted development or land use

plans in the location of the Project. Nor will the facility limit future development or population growth in the region because the transmission line will follow the existing right-of-way. (Staff Ex. 1 at 14.)

{¶ 28} The proposed right-of-way width for the Project is 100 feet. Both proposed routes predominantly use the existing 69 kV right-of-way of 50 feet. This minimizes the additional right-of-way needed for the proposed transmission line. The existing 69 kV line has a right-of-way ranging from 50 feet wide to blanket easement. By using the existing right-of-way for the proposed 138 kV line, land use crossed for the preferred route is 30 percent and 49 percent for the alternative route. (Staff Ex. 1 at 14.)

{¶ 29} There are 30 residences within 1,000 feet of both the preferred and alternate route centerlines. Five residences are located within 200 feet of the preferred route centerline. There are six residences within 200 feet of the alternate route. No structures are located within the 100-foot right-of-way proposed for either route. Residents in the area would experience temporary ambient noise increases during facility construction. (Staff Ex. 1 at 14.)

{¶ 30} The preferred route crosses 25 properties and includes 44 acres of proposed right-of-way area. The alternate route crosses 27 properties and also includes 44 acres of proposed right-of-way area. Approximately 33 percent of the preferred route and 32 percent of the alternate route acreage cross agricultural, pastoral, or open land. Because the Project involves the rebuilding of an existing transmission line, permanent additional impacts to land would be minimal. No schools, hospitals, nor places of worship were identified as being within 1,000 feet of the preferred or alternate routes. The Coalton Wildlife Area is the one recreational area in the region that is crossed by both routes. The existing transmission line traverses the wild life area. Expanding the right-of-way would require additional tree clearing but would not negatively impact the use of land. Overall, Staff concluded that there will be no negative impacts to institutional or

recreational land uses incident to construction, operation, or maintenance of either the preferred or alternate routes. (Staff Ex 1 at 14.)

{¶ 31} AEP Ohio Transco conducted a cultural resources literature review, Phase 1 fieldwork, and a history/architectural study of the Project. The Phase I fieldwork identified one archaeological site that is considered potentially eligible for listing in the National Register of Historic Places (NRHP). Further work and analysis by the cultural resources consultant led to the conclusion that the site would not be impacted by the Project. Five individual structures 50 years of age or older were identified within the Project's area of potential effect. None of the structures were determined to be eligible for listing in the NRHP. (Staff Ex. 1 at 15.)

{¶ 32} The addition of the new transmission line would create permanent visual impacts to the landscape. The impacts would vary with the viewer and setting, owing to the contrast between the transmission line and the existing landscape. Because the transmission line would be constructed where facilities are already located, the impact of the new construction would be lessened. However, along the route where screening trees must be removed, the visual impact would be greater. (Staff Ex. 1 at 15.)

{¶ 33} AEP Ohio Transco estimates the applicable intangible and capital costs for the preferred route at \$8,423,094 and the alternate route at \$8,726,926. Both routes are located within Jackson County. The projected tax revenue from the Project would benefit the local school district, the public library, and mental health services. AEP Ohio Transco estimates that the preferred route will generate approximately \$256,570 over the first year of operation. By comparison, the alternate route would generate \$288,560. Staff adds that the upgrade in service reliability and increase in capacity in the region would facilitate future economic growth in the area. (Staff Ex. 1 at 15.)

b. Ecological Impacts

{¶ 34} The Project lies entirely within Jackson County which itself lies within the unglaciated Allegheny Plateau region. The area is extensively dissected by drainageways and plateaus with moderately high relief. The topography is rugged and hilly, except along the floors of ancient preglacial stream valleys. The land is underlain by sedimentary rocks of Pennsylvanian age. Rocks of Mississippian age lie in the northwestern corner of Jackson County. Bedrock consists primarily of sandstone, shale, and clay, along with economically important coal. (Staff Ex. 1 at 16.)

{¶ 35} Both the preferred and alternate routes are located within the Allegheny Plateau. Much of the area is considered unglaciated. The plateau was once continuous, but is now dissected by streams that have eroded the unglaciated sandstone bedrock into steep hillsides. A limited amount of coal mining took place near the Pine Ridge Switch Substation. An abandoned underground coal mine was in operation in 1914. The mapped extent of the mine is unknown. A reclaimed surface mine that operated in the early 1970s is in the same locality. As the proposed routes head southeast towards the Heppner Switch substation, the transmission line crosses over US Route 35 to the north of the highway, where there are more extensive abandoned underground and surface mining operations. The route following the existing utility corridor passes over a reclaimed surface mine. Staff notes that seismic activity of a 2.6 magnitude on the Richter Scale occurred 14 miles to the northwest Jackson, Ohio on February 11, 2015. No other seismic events have been recorded in the county that would affect either route. (Staff Ex. 1 at 16.)

{¶ 36} AEP Ohio Transco proposes to perform soil and rock tests along portions of the final approved route to determine the final design for foundations and pole locations. Staff advises that the Applicant pay special attention where the proposed transmission line crosses mined out areas. Concluding its geological assessment, Staff

acknowledges that there should be no restrictions or limitations on the Project based on the geology of the area. (Staff Ex. 1 at 16.)

{¶ 37} The soils along both routes consist of loams, silt loams, or silty clay loams that are suitable for constructing foundations for these types of structures. Erosion and severe slopes exist along both routes. The Applicant will implement best management practices and a Stormwater Pollution Prevention Plan (SWPPP) to control erosion, sedimentation, slippage, and runoff in areas where the slopes are greater than 12 percent. The Applicant will revegetate and stabilize all disturbed areas once construction is complete. AEP Ohio Transco will perform a geotechnical investigation and test borings along portions of the selected routes as needed to design and construct foundations for the poles that will support the transmission line where soil conditions warrant such testing. Soil borings will provide information on rock quality, subsurface soil properties, static water level, percent recovery, and depth and description of bedrock contact. Test drilling and laboratory tests will guide foundation design. Although some limitations related to erosion and slope exist, these limitations should not adversely affect or restrict the construction of either route. (Staff Ex. 1 at 16-17.)

{¶ 38} The preferred route right-of-way contains 16 stream crossings, including three perennial streams, nine intermittent streams, and four ephemeral streams, totaling 3,183 linear feet of streams. The alternate route right-of-way contains 13 stream crossings, including three perennial streams, eight intermittent streams and two ephemeral streams, totaling 2,544 linear feet of streams. The proposed transmission line would aerially span all streams, and no in-water work is expected. AEP Ohio Transco has committed not to conduct mechanized clearing within 25 feet of any stream, and will only clear trees which are tall enough to have the potential to interfere with safe construction and operation of the line. Noting that construction vehicles may cross some streams, the Applicant has proposed temporary culvert stream crossings and temporary access bridge crossing methods to minimize impacts. (Staff Ex. 1 at 17.)

{¶ 39} The preferred route right-of-way contains seven wetlands with a 0.07 acre of wetland within the right-of-way. The alternate route right-of-way contains seven wetlands, with a 0.06 acre of wetland within the right-of-way. AEP Ohio Transco does not anticipate the need for fill within the wetlands. Timber matting will be used in areas where construction access through wetlands is necessary. However, if fill within the wetlands does become necessary, impacts would be covered under the Army Corps of Engineers Nationwide 12 permit. Selective non-mechanized clearing will be used to remove woody vegetation in wetlands that would otherwise interfere with the operation of the transmission line. No lakes, reservoirs, or ponds were observed along the construction corridor of the routes. AEP Ohio Transco will obtain coverage under the Ohio EPA General National Pollutant Discharge Elimination System (NPDES) Permit. Sedimentation that may occur as a result of construction activities would be minimized through best management practices (BMP), such as silt fences. BMP would be outlined in the Applicant's SWPPP required as part of the NPDES Permit. Both the preferred route and the alternate route cross within small portions of 100-year floodplain areas. Staff recommends the Applicant coordinate with the Ross and Jackson county floodplain administrators to attain any necessary floodplain development permit. (Staff Ex. 1 at 17.)

{¶ 40} AEP Ohio Transco requested information from the ODNR and the U.S. Fish and Wildlife Service (USFWS) regarding state- and federally-listed threatened and endangered plant and animal species. Staff gathered additional information through field assessments and review of published ecological information. The Project area is within the range of the state and federal endangered Indiana bat (*Myotis sodalis*) and the federal threatened northern long-eared bat (*Myotis septentrionalis*). As tree roosting species in the summer months, the habitat of these species may be impacted by the Project. To avoid impacts to the bats, Staff recommends the Applicant adhere to seasonal tree cutting dates of October 1 through March 31 for all trees over 3 inches in diameter, unless coordination efforts with the ODNR and USFWS allow otherwise. The Project would not disturb any hibernacula, including caves or abandoned mines. The Project

area potentially provides suitable habitat for the timber rattlesnake (*Crotalus horridus horridus*) and the running buffalo clover (*Trifolium stoloniferum*). Prior to construction, the Applicant plans to complete habitat assessments for these species to determine if suitable habitat is present. If suitable habitat is found to be present, Staff recommends that a presence/absence survey be conducted, or an avoidance/minimization plan be developed, in coordination with the ODNR Division of Wildlife and the USFWS. Owing to the lack of suitable habitat and that no in-water work is proposed, Staff does not anticipate impacts to other federal and state listed species. (Staff Ex. 1 at 18-19.)

{¶ 41} Impacts to vegetation along both routes would include initial clearing for the proposed 100-foot right-of-way and along access roads, as well as operational maintenance. Construction related tree clearing would be less for the alternate route because it would track the centerline of the existing 50-foot right-of-way. The preferred route would require additional clearing because it tracks the edge of the existing right-of-way. Trees adjacent to the proposed transmission line right-of-way, which are significantly encroaching or prone to failure, may require clearing to allow for safe operation of the transmission line. Vegetative wastes generated during construction would be windrowed or chipped and disposed of appropriately, depending on landowner requests. The Applicant does not anticipate the use of herbicides during construction or operation. (Staff Ex. 1 at 19.)

c. Public Services, Facilities, and Safety

{¶ 42} The principal impact on public services would be an increase in truck traffic during the construction phase of the Project for equipment access and delivery. Workers arriving and departing during construction would also increase traffic. Some traffic management during the construction phase may be necessary in the immediate vicinity of the project area to ensure safe and efficient maintenance of existing traffic patterns and usages. The Applicant has committed to coordinating with local officials to ensure that shift times and travel routes are optimized to the extent possible. Road access to the

Project will be by U.S. 35. Access roads needed during construction would require landowner's input and approval. No upgrades to local roads and bridges are anticipated. Staff recommends a requirement for the Applicant to develop a final transportation management plan, including a road use agreement. The Applicant, under the guidance of the appropriate regulatory agency, will repair any damaged public roads and bridges promptly to their previous condition. Any temporary improvements would be removed unless the appropriate regulatory agency requests that they remain in place. (Staff Ex. 1 at 20.)

{¶ 43} Most noise impacts associated with the Project will be confined to the 30-month construction period. The Applicant will take measures to mitigate noise impacts. For example, the Applicant will properly maintain construction equipment with installed mufflers and limiting construction activities to daylight hours, generally between the hours of 7:00 a.m. and 7:00 p.m. Impact pile driving and hoe ram operations will be limited to the hours of 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 may be conducted outside of daylight hours when necessary. As an added measure, the Applicant will notify property owners or affected tenants of upcoming construction activities, including any potential for nighttime construction activities. (Staff Ex. 1 at 20.)

{¶ 44} AEP Ohio Transco will comply with all applicable safety standards set by the Occupational Safety and Health Administration, the Commission's safety standards, and the North American Electric Reliability Corporation (NERC) Reliability Standards. It will administer a contractor safety program, under which contractors will be required to maintain internal safety programs and provide safety training. The Applicant will also design the facility to meet the requirements of the National Electric Safety Code (NESC). (Staff Ex. 1 at 20.)

{¶ 45} AEP Ohio Transco does not expect radio or television interference to occur from the operation of the proposed transmission line along the preferred or alternate route. Any likely source of radio or television interference would be a localized effect primarily from defective hardware that can be easily detected and replaced. (Staff Ex. 1 at 20.)

{¶ 46} Based on its investigation, Staff recommends that the Board find that AEP Ohio Transco has determined the nature of the probable environmental impact for the proposed facility, and therefore complies with the requirements specified in R.C. 4906.10(A)(2), provided that any certificate issued by the Board for the proposed facility include the conditions specified in the Staff Report (Staff Ex. 1 at 21).

3. MINIMUM ADVERSE ENVIRONMENTAL IMPACT-R.C. 4906.10(A)(3)

{¶ 47} Pursuant to R.C. 4906.10(A)(3), the proposed facility must represent the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, along with other pertinent considerations.

{¶ 48} AEP Ohio Transco conducted a route selection study to identify potential electric transmission line routes that avoid or limit impacts to sensitive land uses, ecological resources, and cultural features, while taking into consideration the engineering and construction needs of the Project. The study focused on the existing Berlin-Ross 69 kV transmission line right-of-way and the surrounding area between the existing Pine Ridge Switch and the proposed Heppner Substation. At the public informational meeting, Staff noted that one commenter expressed concerns that an expanded right-of-way would come in close proximity to their home and that tree clearing would negatively impact woods and wildlife. The Applicant chose the preferred route because it runs parallel to the existing Berlin-Ross right-of-way for the majority of its length, allowing the existing transmission line to remain in service during most of the

construction period. The preferred route crosses fewer parcels, impacts fewer landowners, and has fewer residences located within 100 feet of its centerline than the alternate route. The alternate route is located on the existing Berlin-Ross centerline, necessitating an outage between sections of the 69 kV line during the entire construction period. However, the alternate route would require less new right-of-way and 7.8 fewer acres of tree clearing than the preferred route. Because the Project is a proposed rebuild of an existing 69 kV line, potential impacts are generally limited to those associated with an existing and expanded utility right-of-way. While both routes have an impact and are viable, they each share unique issues. Staff analyzed each route and concluded that potential impacts are expected to be less for the preferred route. (Staff Ex. 1 at 22.)

{¶ 49} The preferred and alternate routes are similar in the number of properties crossed and the number of residences within 1,000 feet of either route. Likewise, agricultural impacts and potential wetland and stream crossings are similar for both routes. As a distinction, the preferred route would allow the Applicant to construct the project while keeping the existing 69 kV transmission line in service, minimizing safety and reliability concerns. Because of necessary outage constraints, the alternate route would have to be constructed in segments. As a result, it would take more than twice as much time to construct the alternate route than the preferred route. (Staff Ex. 1 at 22.)

{¶ 50} Accordingly, Staff concludes that the preferred route represents the minimum adverse environmental impact when compared to the alternate route, and therefore complies with the requirements specified in R.C. 4906.10(A)(3). Any certificate issued by the Board for the proposed line should include the conditions specified in the Staff Report. (Staff Ex. 1 at 22-23.)

4. ELECTRIC POWER GRID-R.C. 4906.10(A)(4)

{¶ 51} Pursuant to R.C. 4906.10(A)(4), the Board must determine that the proposed electric facilities are consistent with regional plans for expansion of the electric power

grid of the electric systems serving this state and interconnected utility systems, and that the facilities will serve the interests of electric system economy and reliability.

{¶ 52} NERC is responsible for the development and enforcement of the federal government's approved reliability standards, which are applicable to all owners, operators, and users of the bulk power system. The Staff Report indicates that AEP Ohio Transco follows internal transmission planning criteria to plan its system. The criteria are required by the Federal Regulatory Energy Commission (FERC). The criteria must also comply with NERC Reliability Standards and PJM planning and operating manuals for the bulk electric system. AEP Ohio Transco submitted the proposed Project to PJM Interconnection, LLC (PJM)¹ as a supplemental project. PJM assigned the Project upgrade ID number s1432. The construction status of the Project can be tracked on PJM's website. (Staff Ex. 1 at 24-25.)

{¶ 53} The proposed 138 kV transmission line must meet all PJM planning standards. AEP Ohio Transco conducted contingency and load flow analysis as part of the design of the 138 kV facilities. Analysis showed that without the proposed facility, a contingency event would overload a 138 kV circuit leaving the Waverly Substation to 92 percent of its emergency rating. The proposed Project would alleviate this overloading by providing a second 138 kV source to AEP Ohio Transco's Ross Substation in southern Ohio. Without the proposed facility the Applicant would be unable to maintain system reliability and would violate internal system planning criteria. Furthermore, AEP Ohio Transco reported that during the years 2013 through 2017 the existing line was responsible for 478,000 customer minutes of interruption. Many of the outages were caused by failures attributable to the age of the equipment, including such items as rotten cross arms and cracked insulators. (Staff Ex. 1 at 25.)

¹ PJM is the regional transmission organization charged with planning upgrades for the regional transmission system in Ohio.

{¶ 54} AEP Ohio Transco provided information to show that the proposed project is consistent with plans for expansion of the region and will improve reliability by decreasing customer interruptions and hastening recovery from outages. Moreover, adding the facilities would alleviate contingency concerns. Staff recommends that the Board find that the proposed facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems and that the facility would serve the interests of electric system economy and reliability. Therefore, Staff recommends that the Board find that the facility complies with the requirements specified in R.C. 4906.10(A)(4), provided that any certificate issued by the Board for the proposed facilities include the conditions specified in the Staff Report. (Staff Ex. 1 at 25.)

5. AIR, WATER, SOLID WASTE, AND AVIATION-R.C. 4906.10(A)(5)

{¶ 55} Pursuant to R.C. 4906.10(A)(5), the facility must comply with Ohio law regarding air and water pollution control, withdrawal of waters of the state, solid and hazardous wastes, and air navigation.

{¶ 56} Air quality permits are not required for construction of the proposed facility. However, fugitive dust rules adopted under R.C. Chapter 3704 may be applicable to the construction of the proposed facility. AEP Ohio Transco will control fugitive dust through dust suppression techniques such as irrigation, mulching, or application of tackifier resins. These methods of dust control are sufficient to comply with fugitive dust rules. (Staff Ex. 1 at 26.)

{¶ 57} Neither construction nor operation of the proposed transmission line will require the use of significant amounts of water. Therefore, the requirements under R.C. 1501.33 and 1501.34 are not applicable to the Project. If needed, AEP Ohio Transco will seek coverage under the U.S. Army Corps of Engineers Nationwide Permit 12 for Utility Line Activities for surface water impacts associated with the proposed transmission line.

AEP Ohio Transco will submit a SWPPP to the Ohio EPA as part of the NPDES permit. The SWPPP will include a detailed construction access plan and indicate BMP for construction activities that minimize erosion-related impacts to streams and wetlands. AEP Ohio Transco will clearly identify wetlands, streams, and other environmentally sensitive areas before commencement of clearing or construction. No construction or access would be permitted in these areas unless clearly specified in the construction plans and specifications, thus minimizing any clearing-related disturbance to surface water bodies. With these provisions, construction of this facility would comply with the requirements set forth under R.C. Chapter 6111.

{¶ 58} Debris generated during construction would consist of items such as conductor scrap, construction material packaging, including cartons, boxes, insulator crates, conductor reels, wrapping, and used stormwater erosion control materials. Materials with reuse or salvage value include clearance poles and conductor reels. All construction-related debris will be disposed of in accordance with state and federal requirements. Any contaminated soils discovered or generated during construction will be handled in accordance with applicable regulations. AEP Ohio Transco will have a Spill Prevention Plan in place and will follow the manufacturer's recommendations for any spill cleanup. AEP Ohio Transco's solid waste disposal plans would comply with solid waste disposal requirements set forth in R.C. Chapter 3734.

{¶ 59} The height of the tallest above ground structure of the transmission line and construction equipment will be approximately 100 feet. The closest airports are the Baisden, Pike County, James Rhodes, Vinton County, Greater Portsmouth Regional, and Ohio University airports, which are all between 1.5 and 20 miles from the proposed transmission line. The closest heliport is at the Southern Ohio Regional Medical Center which is approximately 25 miles away. AEP Ohio Transco does not anticipate that there will be any impact to airports, landing strips, or heliports. Upon completion of the final design, AEP Ohio Transco will consult with the Federal Aviation Administration (FAA)

and the ODOT Office of Aviation to determine if a Notice of Construction or Alteration or other permitting is required. In accordance with R.C. 4906.10(A)(5), Staff contacted the ODOT Office of Aviation during the review of this application in order to coordinate review of potential impacts of the facility on local airports. The ODOT Office of Aviation does not anticipate any adverse impacts to the airport airspace of any public use airport or heliport. (Staff Ex. 1 at 26-27.)

{¶ 60} Based on the information discussed above, Staff recommends that the Board find that the proposed transmission line complies with the requirements specified in R.C. 4906.10(A)(5), provided that any certificate issued by the Board include the conditions specified in the Staff Report (Staff Ex. 1 at 27).

6. PUBLIC INTEREST, CONVENIENCE, AND NECESSITY-R.C. 4906.10(A)(6)

{¶ 61} Pursuant to R.C. 4906.10(A)(6), the Board must determine that the facility will serve the public interest, convenience, and necessity.

{¶ 62} AEP Ohio Transco hosted a public informational open house for the Project on January 25, 2018. Attendees were provided the opportunity to speak with representatives of the Applicant about the proposed project, view proposed route maps, and provide feedback regarding potential routes. AEP Ohio Transco served copies of the complete application on officials representing Jackson and Ross counties; the cities of Chillicothe and Jackson; Coal, Jackson, and Liberty townships in Jackson County and Jefferson Township in Ross County; and the Jackson and Ross county Soil and Water Conservation districts. It also sent hard copies of the application to the Ross County Public Richmond Dale Branch and the Jackson City Library. Copies of the complete application are available for public inspection at the offices of the Commission and online at <http://opsb.ohio.gov>, and are available upon request from the Applicant. (Staff Ex. 1 at 28.)

{¶ 63} AEP Ohio Transco maintains a website at <http://aeptransmission.com/ohio/coaltownship/index.php>, which provides details about the Project. Members of the public may contact the Applicant's project outreach specialist with questions or concerns during any phase of the project. The Applicant has committed to log all comments provided through its public interaction program and to share them with Staff. The Applicant has also committed to notify affected landowners or tenants by mail or telephone, or in person, at least seven days prior to the start of any construction activities. Staff recommends conditions requiring the Applicant to develop and provide to Staff a public information program that informs affected property owners and tenants of the nature of the project and a complaint resolution procedure to address potential public grievances resulting from project construction and operation. (Staff Ex. 1 at 20.)

{¶ 64} Electric transmission lines, when energized, generate electromagnetic fields (EMF). Because of concerns that EMF may have on health, AEP Ohio Transco has computed the EMF associated with the new circuit based on maximum loadings of the lines, which would lead to the highest EMF values that might exist along the proposed transmission line. Daily current load levels normally operate below maximum load conditions. The electric field is a function of the voltage, the line configuration, and the distance from the transmission lines. The electric field for this transmission line would be 0.72 kV/meter or less. Electric fields are easily shielded by physical structures such as the walls of a house or foliage. Similarly, magnetic fields are a function of the electric current, the configuration of the conductors, and the distance from the transmission lines. The magnetic fields for this project are estimated at the right-of-way edge to be less than 99.76 milligauss. The magnetic field output is comparable to that of common household appliances. AEP Ohio Transco has stated that the transmission line will be designed according to the requirements of the NESC. (Staff Ex 1 at 29.)

{¶ 65} Staff recommends that the Board find that the proposed facility would serve the public interest, convenience, and necessity, and therefore complies with the requirements specified in R.C. 4906.109A)(6), provided the certificate issued includes Staff's recommendations (Staff Ex. 1 at 29).

7. AGRICULTURAL DISTRICTS-R.C. 4906.10(A)(7)

{¶ 66} Pursuant to R.C. 4906.10(A)(7), the Board must determine the facility's impact on the agricultural viability of any land in an existing agricultural district within the area of the proposed utility facility.

{¶ 67} Neither the preferred nor the alternate route crosses land presently used for row crop production. Approximately 14 acres of open land/pasture is crossed by both the preferred and alternate routes. According to the Applicant's research of county records, no part of the preferred or alternate route crosses land with the agricultural district designation. AEP Ohio Transco will take measures to minimize impacts to field operations, irrigation, and field drainage systems associated with agricultural district lands that would occur as a result of construction, operation, and maintenance of the Project. Construction will only interrupt operations for a portion of the growing season or dormant season. AEP Ohio Transco stated that it will coordinate with landowners to mitigate any impact to irrigation systems. Although damage to field drainage systems is not expected, AEP Ohio Transco stated that it will resolve any disturbances. Staff recommends that repair of damaged field drainage systems be required as a condition of the certificate. Existing infrastructure in the vicinity of the proposed project could be used for construction access, which would minimize impacts on agricultural land. Structures would be located, where feasible, and excavated top soil would be segregated and stockpiled. Top soil would be restored to original conditions, unless affected landowners request otherwise. (Staff Ex. 1 at 30.)

{¶ 68} Staff recommends that the Board find that the impact of the proposed facility on the viability of existing agricultural land in an agricultural district has been determined, and therefore complies with the requirements specified in R.C. 4906.10(A)(7), provided that any certificate issued by the Board for the proposed facility include Staff's recommendations (Staff Ex. 1 at 30).

8. WATER CONSERVATION PRACTICE-R.C. 4906.10(A)(8)

{¶ 69} Pursuant to R.C. 4906.10(A)(8), the proposed facility must incorporate maximum feasible water conservation practices, considering available technology and the nature and economics of the various alternatives.

{¶ 70} The proposed transmission line may require the use of minimal amounts of water for dust control and for concrete foundations during construction. However, the transmission line would not require the use of any water during operation. Therefore, the facility would comply with water conservation practice as specified under R.C. 4906.10(A)(8). Consequently, Staff recommends that the Board find that the proposed facility would incorporate maximum feasible water conservation practices and therefore complies with the requirements specified in R.C. 4906.10(A)(8). (Staff Ex. 1 at 31.)

9. RECOMMENDATIONS

{¶ 71} In addition to making various findings throughout its report, Staff recommended that 21 conditions be made part of any certificate issued by the Board for the proposed facility (Staff Ex. 1 at 33-36). With some slight differences, the recommendations in the Staff Report were adopted in the Parties' October 15, 2018 stipulation. The conditions are discussed below.

VI. STIPULATIONS AND CONDITIONS

{¶ 72} At the adjudicatory hearing on October 24, 2018, counsel for AEP Ohio Transco presented a Stipulation and Recommendation (Joint Ex. 1). During the hearing,

AEP Ohio Transco witness, siting specialist Alicia M. Cross, offered testimony in support of the Stipulation. As part of the Stipulation, the Parties agree and recommend that the Board issue the certificate requested by AEP Ohio Transco, subject to certain conditions (Joint Ex. 1 at 3). The following is a summary of the conditions agreed to by the Parties and is not intended to replace or supersede the Stipulation.

- (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 March 29, 2018, 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 onsite 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 conferences 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.

- (4) 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. The Applicant shall provide as-built drawings in both hard copy and as geographically referenced electronic data.
- (5) 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 journalization of the certificate.
- (6) 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.
- (7) 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.

- (8) The Applicant shall repair or replace agricultural field tiles damaged from this project, and the Applicant shall segregate excavated topsoil in agricultural fields and restore in its proper position upon backfilling.
- (9) 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.
- (10) 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 7 days prior to work on the affected property.
- (11) Prior to construction, 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.

- (12) 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 ODNR and the USFWS allow a different course of action.
- (13) The Applicant shall contact Staff, the ODNR, and the USFWS within 24 hours if state or federal threatened or endangered species are encountered during construction activities. Construction activities that could adversely impact such plants or animals shall be halted until an appropriate course of action has been agreed upon by the Applicant, Staff, and the ODNR in coordination with the USFWS. Nothing in this condition shall preclude agencies having jurisdiction over the facility with respect to threatened or endangered species from exercising their legal authority over the facility consistent with law.
- (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) Prior to construction, the Applicant shall retain an ODNR Division of Wildlife approved herpetologist to determine if suitable habitat for the timber rattlesnake (*Crotalus horridus horridus*) is present along the project route. If suitable habitat is found to be present then a presence/absence survey shall be conducted, or an avoidance/minimization plan be shall developed by an ODNR Division of Wildlife approved herpetologist.
- (16) Prior to construction, the Applicant shall conduct a presence/absence survey for the running buffalo clover (*Trifolium stoloniferum*) between May and June when the plant is in flower and coordinate the findings with the USFWS. The USFWS shall determine if an avoidance/minimization plan be developed in order to minimize impacts to this species.
- (17) Prior to 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, land closures, road access restriction, and traffic control necessary for construction and operation of the proposed facility.
- (18) 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

operation, 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 within the meaning of Ohio Adm.Code 4906-5-08(C)(3),² of upcoming construction activities including potential for nighttime construction activities.

- (19) The Applicant shall remove all 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 EPA NPDES permit(s) obtained for the project and the approved SWPPP created for this project.
- (20) The Applicant shall not dispose construction material, during or following construction of the facility by depositing 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.
- (21) 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

² The Board expects that the Applicant shall comply with Ohio Adm.Code 4906-3-14(A), which requires notice of construction activities for affected property owners and tenants.

spill prevention, control, and countermeasure procedures, and its erosion and sediment control plan. The Applicant must address any erosion related issues through proper design and adherence to Ohio EPA best management practices related to erosion and sedimentation control.

(Joint Ex. 1 at 10-16.)

VII. CONCLUSION

{¶ 73} Ohio Adm.Code 4906-2-24 authorizes parties to Board proceedings to enter into stipulations concerning issues of fact, the authenticity of documents, or the proposed resolution of some or all of the issues in a proceeding. Although not binding on the Board, pursuant to Ohio Adm.Code 4906-2-24(D), the terms of such an agreement are accorded substantial weight. The standard of review for considering the reasonableness of a stipulation has been discussed in a number of prior Board proceedings. *See, e.g., In re American Transm. Systems Inc.*, Case No. 12-1727-EL-BSB (Mar. 11, 2013); *In re Rolling Hills Generating, LLC*, Case No. 12-1669-EL-BGA (May 1, 2013); *In re Northwest Ohio Wind Energy, LLC*, Case No. 13-197-EL-BGN (Dec. 16, 2013); *In re AEP Transm. Co. Inc.*, Case No. 12-1361-EL-BSB (Sept. 13, 2013); *In re Hardin Wind LLC*, Case No. 13-1177-EL-BGN (Mar. 17, 2014). The ultimate issue for the Board's consideration is whether the agreement, which embodies considerable time and effort by the Parties, is reasonable and should be adopted. In considering the reasonableness of a stipulation, the Board has used the following criteria:

- (1) Is the settlement a product of serious bargaining among capable, knowledgeable parties?
- (2) Does the settlement, as a package, benefit ratepayers and the public interest?

- (3) Does the settlement package violate any important regulatory principle or practice?

{¶ 74} The Stipulation has been signed by AEP Ohio Transco and Staff. The Parties note that they regularly participate in proceedings before the Board, are knowledgeable in regulatory matters, and were represented by experienced and competent counsel. Consequently, the Parties state that the Stipulation represents a product of serious bargaining among capable, knowledgeable parties. (Joint Ex. 1 at 2; AEP Ohio Transco Ex. 7 at 1-4.)

{¶ 75} Upon review, the Board finds that the Stipulation appears to be the product of serious bargaining among capable, knowledgeable parties. Consequently, we find that, based upon the record, the first prong is satisfied.

{¶ 76} AEP Ohio Transco witness Alicia Cross testified that the Project will strengthen and enhance existing service reliability in the area. Furthermore, she testified that the Project will produce tax revenues for the local community. The public will benefit from AEP Ohio Transco's compliance with the Stipulation conditions that minimize environmental, sociological, cultural, and other impacts in the area. The Board finds that the preferred route is the ideal route because citizens in the geographic area of the Project will receive uninterrupted service during the rebuild through the existing Berlin-Ross 69 kV line, which will remain operational during the construction of the proposed transmission line. (AEP Ohio Transco Ex. 7 at 2-4.)

{¶ 77} Upon review, the Board finds that the Stipulation benefits the public interest by resolving the issues raised in this matter without resulting in litigation. The Board recognizes that the Stipulation essentially includes Staff's recommendations as set forth in the Staff Report. We find that, based on the evidence, the proposed transmission line is required to improve and maintain the quality of service in southern Ohio, where AEP Ohio Transco has identified a critical need to reinforce its transmission system in

order to maintain and improve the quality and reliability of electric service in the area which is currently served by an aging 69 kV system. Rebuilding the existing Berlin-Ross line to 138 kV capability will meet increasing electricity demands, enhance service reliability, and provide additional tax revenue in the local community. The approved Project will improve local service for customers, decrease power interruptions, improve resiliency of the system, and speed up the recovery time of local service when outages occur. (Jt. Ex. 1 at 1; AEP Ohio Transco Ex. 7 at 4.)

{¶ 78} The Parties indicate that the Stipulation does not violate any important regulatory principle or practice. Moreover, it is designed to comply with the requirements of R.C. 4906.10, which provides the basis for a decision granting or denying a certificate. (Joint Ex. 1 at 5–7; AEP Ohio Transco Ex. 7 at 4.)

{¶ 79} The Board finds that the Stipulation does not violate any important regulatory principle or practice. Based upon the record in this proceeding, the Board finds that all of the criteria established in accordance with R.C. Chapter 4906 are satisfied for the construction, operation, and maintenance of the proposed transmission line as described in AEP Ohio Transco's application filed in this case, subject to the conditions set forth in the Stipulation and this Order. Accordingly, based upon all of the above, the Board approves and adopts the Stipulation and hereby issues a certificate to AEP Ohio Transco in accordance with R.C. Chapter 4906.

VIII. FINDINGS OF FACT AND CONCLUSIONS OF LAW

{¶ 80} AEP Ohio Transco is a person under R.C. 4906.01(A) and is licensed to do business in the state of Ohio.

{¶ 81} The proposed Pine Ridge Switch-Heppner 138 kV Transmission Line Project is a "major utility facility," as that term is defined in R.C. 4906.01(B)(1).

{¶ 82} On January 4, 2018, the Applicant filed a pre-application notification letter for a certificate to rebuild a portion of the existing Berlin-Ross 69 kV electric transmission line in Coal and Liberty townships, Jackson County, Ohio, as a 138 kV line, initially energized at 69 kV, pursuant to Ohio Adm.Code 4906-3-03(A).

{¶ 83} On January 25, 2018, AEP Ohio Transco held a public information meeting to discuss the proposed Project with interested persons and landowners. On January 9, and January 11, 2018, AEP Ohio Transco filed affidavits of publication demonstrating its compliance with the notice requirements of Ohio Adm.Code 4906-3-03(B)(1) and (B) (2).

{¶ 84} On March 29, 2018, AEP Ohio Transco filed its application with the Board for a certificate of environmental compatibility and public need for the Project.

{¶ 85} On May 29, 2018, the Board notified AEP Ohio Transco that its application was compliant and provided sufficient information to permit Staff to commence its review and investigation, pursuant to Ohio Adm.Code 4906-1, et seq.

{¶ 86} On August 16, 2018, AEP Ohio Transco filed a proof of notification pursuant to Ohio Adm.Code 4906-3-09(A), noting that it had sent correspondence regarding the Project to each property owner and affected tenant.

{¶ 87} On July 25, 2018, the ALJ issued an Entry setting the effective date of the application as July 18, 2018, scheduling a local public hearing and an evidentiary hearing, ordering AEP Ohio Transco to notice the hearings, and establishing a procedural schedule for the filing of lists of issues and testimony.

{¶ 88} On September 25, 2018, AEP Ohio Transco filed proof of notification 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 in compliance with Ohio Adm.Code 4906-3-09(A).

{¶ 89} On September 25, 2018, pursuant to R.C. 4906.07(C), Staff filed its Report of its investigation in this matter.

{¶ 90} The ALJ presided over the local public hearing on October 10, 2018, in Jackson, Ohio. No public witnesses testified at the hearing.

{¶ 91} On October 15, 2018, AEP Ohio Transco and Staff filed a Stipulation intended by the parties to resolve all matters pertinent to the Project.

{¶ 92} An adjudicatory hearing was held on October 24, 2018. At the hearing, AEP Ohio Transco presented the testimony of Alicia M. Cross and Staff presented the testimony of Jon C. Pawley in support of the Stipulation.

{¶ 93} Adequate data on the proposed transmission line has been provided to make the applicable determinations required by R.C. 4906.10(A).

{¶ 94} The record evidence in this matter provides sufficient factual data to enable the Board to make an informed decision.

{¶ 95} The Stipulation satisfies the criteria established by the Board for review and consideration of stipulations.

{¶ 96} Base on the record, the Board finds that AEP Ohio Transco's application should be approved and a certificate should be issued, pursuant to R.C. Chapter 4906, for the construction, operation, and maintenance of the transmission facilities along the preferred route, subject to the conditions set forth in the Stipulation and this Order.

IX. ORDER

{¶ 97} It is, therefore,

{¶ 98} ORDERED, That the Stipulation be approved and adopted. It is, further,

{¶ 99} ORDERED, That a certificate be issued to AEP Ohio Transco for the construction, operation, and maintenance of the transmission facility along the preferred route, subject to the conditions set forth in the Stipulation and this Order. It is, further,

{¶ 100} ORDERED, That a copy of this Opinion, Order, and Certificate be served upon all interested persons and parties of record.

THE OHIO POWER SITING BOARD



Asim Z. Haque, Chairman
Public Utilities Commission of Ohio



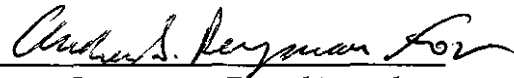
Lydia Mihalik, Board Member
and Director of the Ohio
Development Services Agency



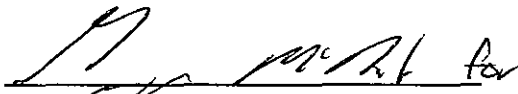
Mary Mertz, Board Member
and Director of the Ohio
Department of Natural Resources



Lance Himes, Board Member
and Director of the Ohio
Department of Health



Laurie Stevenson, Board Member
and Director of the Ohio
Environmental Protection Agency



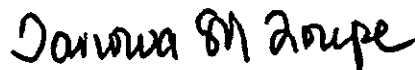
Dorothy Pelanda, Board Member
and Director of the Ohio
Department of Agriculture

Greg Murphy, Board Member
and Public Member

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Secretary