

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Application of American Electric )  
Power Ohio Transmission Company for an Amendment ) Case No. 19-0972-EL-BTA  
to the Lamping-Rouse 138 kV Transmission Line )  
Project )**

Members of the Board:

Chair, Public Utilities Commission	Ohio House of Representatives
Director, Development Services Agency	Ohio Senate
Director, Department of Health	
Director, Department of Agriculture	
Director, Environmental Protection Agency	
Director, Department of Natural Resources	
Public Member	

To the Honorable Power Siting Board:

Please review the attached Staff Report of Investigation, which has been filed in accordance with Ohio Power Siting Board rules. The application in this case is subject to an approval process as required by Section 4906.03 of the Ohio Revised Code.

Respectfully submitted,



Tamara S. Turkenton  
Director, Rates and Analysis  
Public Utilities Commission of Ohio

## OPSB STAFF REPORT OF INVESTIGATION

**Project Name:** Amendment to the Lamping-Rouse 138 kV Transmission Line Project  
**Case Number:** 19-0972-EL-BTA  
**Project Location:** Monroe County  
**Applicant:** American Electric Power Ohio Transmission Company  
**Application Filing Date:** May 7, 2019  
**Inspection Date:** May 29, 2019 and June 14, 2019  
**Report Date:** July 17, 2019  
**Applicant's Waiver Requests:** None  
**Staff Assigned:** G. Zeto, J. Pawley

### Summary of Staff Recommendations (see discussion below):

Application: ☐ Approval ☐ Disapproval ☒ Approval with Condition

Waiver: ☐ Approval ☐ Disapproval ☒ Not Applicable

### Application Description and Need

American Electric Power Ohio Transmission Company (Applicant or AEP Transco) is proposing an amendment to the Lamping-Rouse 138 kilovolt (kV) Transmission Line Project, which was approved by the Ohio Power Siting Board on August 17, 2017, in Case No. 16-0701-EL-BTX. The Applicant proposed four changes along the approved route. The type of transmission equipment (related to transmission voltage, structure and conductor types) would not change. The Applicant states that the economic impact would not change as a result of these adjustments. The need for the facility and grid impacts associated with the facility remain the same as was approved in Case No. 16-0701-EL-BTX.

This amendment filing can be broken down into two categories of requested revisions to the approved route: one shift within the existing right-of-way, and three areas of rerouting, identified as Reroute 1, Reroute 2, and Reroute 3; which are outside of the existing right-of-way. The requested revisions would amount to a net increase of 0.6 miles to the route, resulting in a 5.4 mile route as compared to the approved 4.8 mile route. Construction began on this project in January 2018 and has since been halted. Structures or foundations along the northern-most 3 miles of the route have been installed, including the entirety of Reroute 1 and a portion of the shift.

#### *Shift Within the Existing Right-of-Way*

The Applicant proposed a shift of five to ten feet of the approved route between structures 6 through 36 and 41 through 51. Several structures along this shift were constructed prior to this amendment request. The Applicant states that during detailed engineering it was determined that the approved alignment was too close to the parallel Washington Electric Cooperative (WEC)

electric distribution line for operational purposes. No additional parcels or previously unaffected landowners would be impacted by this shift.

#### *Re-routing Outside the Existing Right-of-Way*

Reroute 1 was constructed prior to this amendment request. This reroute involves an extension of 0.5 mile, including two new structures, beyond the northern endpoint of the route. This reroute was needed to reach the revised location of the 138 kV station pad of the proposed Lamping Substation, which was approved in Case No. 17-0810-EL-BLN. Initially the 138 kV and 345 kV Lamping substations were going to be incorporated into one large substation, but due to terrain issues the substations require two separate station pad sites. No additional parcels or previously unaffected landowners would be impacted by this reroute.

Reroute 2 involves placing the new line up to 56 feet west of the approved route between structures 36 and 40. This reroute is proposed in order to avoid environmental impacts associated with a large amount of riparian tree clearing. The total length of the reroute is approximately 0.3 mile. No additional parcels or previously unaffected landowners would be impacted by this reroute.

Reroute 3 involves an extension of 0.2 mile, including two new structures, beyond the southern endpoint of the approved route. The Applicant states that this reroute was necessitated by WEC's relocation of the proposed Rouse Substation to the adjacent parcel. The Applicant states that two additional parcels, including one previously unaffected landowner would be impacted by this reroute. One parcel is owned by the WEC. No structures would be located on the other parcel, and the Applicant has obtained an overhang easement for a portion of that property that overlaps with a portion of the 100-foot right-of-way.

### **Application Review**

#### *Social Impacts*

In Staff's opinion, the proposed adjustments are not expected to significantly alter existing land uses, including agricultural land. With these adjustments, the total number of residences located within 100 feet of the route would remain zero. These alignment sections have been studied for the presence of archaeological and historic impacts and no significant adverse impacts on cultural resources are expected. Reroute 3 would cross an agricultural district, including one structure proposed within the agricultural district. However, construction and operation of the line would have no impact on this designation.

#### *Surface Waters*

The approved route right-of-way contains 46 streams, including 10 perennial streams, 17 intermittent streams, and 19 ephemeral streams. The approved route right-of-way contained 6,443 linear feet of streams, including 2,590 linear feet of perennial streams. The proposed adjustments to the route eliminates four previously approved stream crossings, including three ephemeral streams and one intermittent stream. The proposed adjusted route also crosses six additional streams, including five ephemeral streams and one intermittent stream. The proposed adjusted route right-of-way contains 6,532 linear feet of streams, including 2,358 linear feet of perennial streams. The overall increase in linear feet of streams is primarily due to additional intermittent and ephemeral streams, which are crossed by Reroute 1. The reduction in linear feet of perennial streams is primarily a result of Reroute 2. The reduction of riparian tree clearing associated with

Reroute 2 would be an improvement, as riparian vegetation helps to stabilize stream banks and reduce potential erosion and sedimentation.

The approved route right-of-way contains 28 wetlands, with 3.1 total acres of wetland within the right-of-way. The proposed adjusted route right-of-way contains approximately 2.8 acres of wetlands. All delineated wetlands are category 1 and category 2 wetlands.

Adherence to the conditions of the original certificate as well as implementation of the Storm Water Pollution Prevention Plan would minimize impacts to surface water resources that could occur as a result of the proposed adjustments.

#### *Threatened and Endangered Species*

The proposed adjustments would not result in increased impacts to listed wildlife species. Adherence to the conditions of the original certificate would minimize impacts to listed species.

#### **Recommended Findings**

The Applicant began construction under the certificate approved in Case No. 16-0701-EL-BTX. However, portions of the route were installed outside of the certificated project area. Staff notes that AEP Ohio Transco has had other instances of constructing outside the Board certificated project area in the recent past and is concerned about this apparent pattern and practice from the Applicant. See, e.g., Staff Reports filed in Case Nos. 15-1291-EL-BTA and 18-1856-EL-BTA. Moreover, the Board has also expressed concern with such activity by the Applicant and has previously stated in its Opinion and Order for Case No. 15-1291-EL-BTA, “AEP is directed to refrain from such conduct in the future.” Additionally, Staff notes that there have been instances of the Applicant constructing structures prior to obtaining a certificate, see Staff Reports filed in Case Nos. 16-2122-EL-BNR, 15-0357-EL-BLN, and 15-0681-EL-BLN.

While Staff recommends that the Board approve the amended certificate upon satisfaction of the following condition, Staff also recommends that the Board give further consideration to AEP Ohio Transco’s construction practices pursuant to R.C. 4906.97-4906.99.

#### **Condition:**

- (1) The Applicant shall continue to adhere to all conditions of the Opinion, Order, and Certificate for the Lamping-Rouse 138 kilovolt project in Case No. 16-0701-EL-BTX, following the route as amended through this application.

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

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**Case No(s). 19-0972-EL-BTA**

Summary: Staff Report of Investigation electronically filed by Mr. Matt Butler on behalf of Staff of OPSB