

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Construction Notice Application of)
American Electric Power Ohio Transmission Company)
for a Certificate of Environmental Compatibility and) Case No. 19-1423-EL-BNR
Public Need for the Adjustment to Anguin-Babbitt)
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 (Board) rules. The accelerated certificate application in this case is subject to an automatic approval process as required by Ohio Revised Code (R.C.) 4906.03 and Ohio Administrative Code (Ohio Adm.Code) 4906-6.

Staff recommends the application for automatic approval August 13, 2019, unless suspended by the Board, an administrative law judge, or the chairperson or executive director of the Board for good cause shown. If suspended, the Board must render a decision on the application within 90 days from the date of suspension.

Please present any concerns you or your designee may have with this case to my office at least four business days prior to August 13, 2019, which is the recommended automatic approval date.

Sincerely,



Raymond W. Strom
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OPSB STAFF REPORT OF INVESTIGATION

Case Number: 19-1423-EL-BNR
Project Name: Adjustment to Anguin-Babbitt Transmission Line Project
Project Location: Licking County
Applicant: American Electric Power Ohio Transmission Company
Application Filing Date: July 15, 2019
Filing Type: Expedited Construction Notice
Inspection Date: August 5, 2019
Report Date: August 6, 2019
Recommended Automatic Approval Date: August 13, 2019
Applicant's Waiver Requests: none
Staff Assigned: G. Zeto

Summary of Staff Recommendations (see discussion below):

Application: ☐ Approval ☐ Disapproval ☒ Approval with Conditions
Waiver: ☐ Approval ☐ Disapproval ☒ Not Applicable

Project Description and Need

AEP Ohio Transmission Company (Applicant) proposes route alignment shifts in two locations along the Anguin to Babbitt 138 kilovolt (kV) transmission line, which was approved in Case No. 19-0266-EL-BLN on May 31, 2019. The Applicant proposes to shift structures 2, 3, and 4 to the east by distances ranging from 19 to 63 feet. The Applicant states that the original centerline was designed prior to the design of the final station access road and the line had to be shifted east to avoid the drive path. The Applicant also proposes to shift another structure 15 feet to the north to keep the structure outside of a pond embankment. The need for the facility and grid impacts associated with the overall facility remain the same as was approved in Case No. 19-0266-EL-BLN.

The proposed project area is located in the village of New Albany in Licking County, approximately 1 mile south of State Route 161. The Applicant has commenced construction of the overall project and has cleared trees in the area of this proposed adjustment prior to obtaining approval through this Letter of Notification. The Applicant intends to place the facility in service by September 2019. The capital cost estimate for the Anguin-Babbitt 138 kV Transmission Line Project, including the proposed adjustments, remains approximately \$13,500,000.

Nature of Impacts

Socioeconomic Impacts

Land use in the project area is presently undergoing commercial development. The Applicant indicates that there is one parcel crossed by the transmission line that is registered as agricultural district land, but that this parcel is being developed for commercial land use. There are no residences, churches, schools, parks, preserves, or wildlife management areas located within 1,000 feet of the project.

Cultural Resources

The Applicant's cultural resources consultant performed a literature review and Phase I cultural resource management investigation (archaeology and history/architecture) for the original transmission line project. The original investigations included the areas involved in this proposed adjustment. The consultant determined that the project would not involve or impact any significant cultural resources or landmarks, and that no further cultural resource management work was considered to be necessary. The findings were submitted to the Ohio Historic Preservation Office (OHPO). The OHPO responded to the consultant in concurrence that this project would not affect historic properties, and that no additional cultural resources studies are needed.

Surface Waters

No new streams or wetlands were delineated and no additional impacts are proposed for this modification. Further details about how surface water resources would be protected from indirect construction stormwater impacts using erosion and sedimentation controls would be outlined in the Applicant's Stormwater Pollution Prevention Plan submitted as part of the required National Pollutant Discharge Elimination System permit. The project would not cross a 100-year floodplain.

Threatened and Endangered Species

The proposed adjustments would not result in increased impacts to listed wildlife species. Adherence to the conditions of the original Letter of Notification in Case No. 19-0266-EL-BLN would minimize impacts to listed species.

Conclusion

Staff's review of the application included consideration of the requirements listed in R.C. 4906.10. Based on Staff's review, the application meets the necessary criteria for granting a certificate. Staff recommends automatic approval of this application on August 13, 2019. Staff notes that its recommendation for approval of this application should not be construed as a recommendation for approval of cost recovery in any ratemaking proceeding.

Staff notes that the Applicant began construction under the certificate approved in Case No. 19-0266-EL-BLN. However, tree clearing along a portion of the route was conducted 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, 18-1856-EL-BTA, and 19-0972-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.

Condition:

- (1) The Applicant shall adhere to all conditions of the Letter of Notification for the Anguin-Babbitt Transmission Line Project in Case No. 19-0266-EL-BLN as modified by this application.

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 19-1423-EL-BNR

Summary: Staff Report of Investigation electronically filed by Adam Bargar on behalf of Staff of OPSB