

# THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF  
AEP OHIO TRANSMISSION COMPANY,  
INC. FOR AN AMENDMENT TO THE  
MACKSBURG-DEVOLA 138 KV  
TRANSMISSION LINE PROJECT.

CASE NO. 19-1069-EL-BTA

## ORDER ON CERTIFICATE

Entered into the Journal on August 15, 2019

### I. SUMMARY

{¶ 1} The Ohio Power Siting Board grants the application filed by AEP Ohio Transmission Company, Inc. to amend its certificate.

### II. DISCUSSION

#### A. *Procedural History*

{¶ 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 Chapters 4906-1 et seq.

{¶ 3} On January 18, 2018, the Board granted the application filed by AEP Ohio Transmission Company, Inc. (AEP Ohio Transco or Applicant) for a certificate of environmental capability and public need for the Macksburg to Devola 138 kilovolt (kV) transmission line project. *In re AEP Ohio Transmission Company, Inc.*, Case No. 16-702-EL-BTX (*Certificate Case*), Opinion, Order, and Certificate (Jan. 18, 2018). The Board granted AEP Ohio Transco's application in the *Certificate Case*, pursuant to a joint stipulation filed by AEP Ohio Transco and Staff, subject to 22 conditions.

{¶ 4} On May 16, 2019, AEP Ohio Transco filed an application in the above-captioned case (*First Amendment Application*) proposing certain changes to the route approved by the Board in the *Certificate Case*. The changes proposed in the *First Amendment Application* are not expected to affect the project's overall impacts.

{¶ 5} On June 6, 2019, AEP Ohio Transco filed proof of service of the *First Amendment Application*, pursuant to Ohio Adm.Code 4906-6-07.

{¶ 6} Thereafter, on July 19, 2019, the Board's Staff (Staff) filed a report evaluating the *First Amendment Application*.

#### **B. Applicable Law**

{¶ 7} Pursuant to R.C. 4906.04, the Board's authority applies to major utility facilities and requires entities to be certified by the Board prior to commencing construction of a facility.

{¶ 8} In accordance with R.C. Chapter 4906, the Board promulgated the rules set forth in Ohio Adm.Code Chapter 4906-3 regarding the procedural requirements for filing applications for major utility facilities and amendments to certificates.

{¶ 9} Pursuant to R.C. 4906.07, when considering an application for an amendment of a certificate, the Board "shall hold a hearing \* \* \* if the proposed change in the facility would result in any material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of such facility \* \* \*." R.C. 4906.06(B) and (C), as well as Ohio Adm.Code 4906-3-11, 4906-3-06, and 4906-3-09, require the applicant to provide notice of its application for amendment to interested parties and potentially effected members of the public.

{¶ 10} AEP Ohio Transco is a corporation and, therefore, a person under R.C. 4906.01(A). Additionally, pursuant to the Board's Order in the *Certificate Case*, AEP Ohio Transco is certificated to construct, operate, and maintain a major utility facility under R.C. 4906.10. As indicated above, the Applicant provided the required notices in this proceeding, its proposed first amendment to its certificate.

**C. Summary of Staff Report**

{¶ 11} Staff reports that there are two categories of requested revisions to the approved route: (a) engineering adjustments within the existing right-of-way (ROW); and (b) alignment reroutes or extensions into areas outside of the existing ROW. Construction began on this project on October 10, 2018, and suspended on March 29, 2019. The Applicant intends to resume construction after the Board's review and approval of the amendment. (Staff Report at 1.)

{¶ 12} None of the changes proposed in the *First Amendment Application* are expected to result in a change in structure design, structure quantity, or estimated costs as defined in and already considered and approved of by the Board in the *Certificate Case*. Specifically, Staff reports that the proposed adjustments would increase the number of properties crossed from 123 properties to 155 properties; however, there are no new property owners affected by the alignment changes. Additionally, the ROW area would increase by an additional 1.7 acres, and the length of the transmission line with the adjustments would increase by 0.2 mile. (Staff Report at 2.)

{¶ 13} **Engineering Adjustments.** There are ten proposed engineering adjustments. Engineering adjustments one through seven involve shifts of alignments between 10 and 30 feet to the west or east to provide additional clearance distance from the existing distribution line so that extended distribution outages would not be necessary during construction. Additionally, these seven adjustments occur at various locations along the preferred route. Engineering adjustment eight resulted from the property owner requesting to shift the alignment west to provide more distance between the alignment and the property owner's home. Engineering adjustment nine also resulted from the property owner requesting to shift the alignment in order to move the transmission line structure outside of the lawn area of the property. Engineering adjustment nine would result in eliminating two transmission line structures from the original design, and Staff states that readjustments along the remaining length of this section would reduce the amount of stress. Lastly, engineering

adjustment ten was proposed to connect the preferred route to the final site location of the Arends Ridge Substation. (Staff Report at 1, 2.)

{¶ 14} **Reroutes and extensions.** Staff reports that there are nine instances of reroutes or extensions to the approved preferred route. Applicant avers that these reroutes were initiated due to: (a) clearance from existing utility lines; (b) property owners' requests; (c) removal of previously proposed transmission line structures; and (d) the finalized location of the proposed substation. Staff has summarized each of these reroutes and extensions in its report. (Staff Report at 2, 3.)

{¶ 15} According to Staff, none of the changes proposed in the *First Amendment Application* are expected to significantly alter existing land use, including agricultural land, or to change the estimated capital costs for the project. The alignment sections proposed have been studied for the presence of archaeological and historic impacts, and no significant adverse impacts on cultural resources are expected. Staff, therefore, avers that the adjustments, reroutes, an extensions, proposed to avoid features not known at the time of the original Board application, as well as those made at the request of affected property owners, are reasonable. (Staff Report at 3.)

{¶ 16} With respect to surface water, the approved route ROW contains 86 streams, including 25 perennial streams, 27 intermittent streams, and 34 ephemeral streams. The proposed adjusted route would eliminate five previously approved stream crossings. The proposed adjusted route would add 10 new stream crossings and contains 10,155 linear feet of streams. Additionally, the approved route ROW contains 30 wetlands, with 1.6 total acres of wetland within the ROW. The proposed adjusted route ROW contains small portions of three additional wetlands, and Staff avers that the total acreage of wetlands within the ROW would remain approximately the same. Staff suggests that 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 would occur as a result of the proposed adjustments. (Staff Report at 3, 4.)

{¶ 17} Staff has concluded that the proposed adjustments would not result in increased impacts to listed wildlife species and recommends that adherence to the conditions of the original certificate would minimize impacts to listed species (Staff Report at 4).

{¶ 18} Upon its review, which included consideration of all statutory requirements, Staff recommends that the Board approve the amendment to the certificate, provided that the Applicant shall continue to adhere to all conditions of the Opinion, Order, and Certificate issued in the *Certificate Case*, as amended in the above-captioned case (Staff Report at 4).

#### **D. Board's Conclusion**

{¶ 19} After considering the application and the Staff Report, the Board finds that the proposed changes in the facility presented in the *First Amendment Application* do not result in any material increase in any environmental impact or a substantial change in the location of all or a portion of the facility approved in the *Certificate Case*. Therefore, pursuant to R.C. 4906.07, the Board finds that a hearing on the application is not necessary under the circumstances presented in this case. Further, the Board finds that the proposed changes to the project do not affect our conclusion from the *Certificate Case* that the project satisfies the criteria set forth in R.C. Chapter 4906, promotes the public interest, and does not violate any important regulatory principle or practice. Therefore, the Board concludes that the application for an amendment to the project should be approved, subject to the conditions set forth in the Opinion, Order, and Certificate in the *Certificate Case*, as amended through this application.

#### **E. Findings of Fact and Conclusions of Law**

{¶ 20} AEP Ohio Transco is a corporation and a person under R.C. 4906.01(A).

{¶ 21} On May 16, 2019, AEP Ohio Transco filed an application seeking a first amendment to the certificate issued in the *Certificate Case*.

{¶ 22} On July 19, 2019, Staff filed its Report of Investigation detailing its evaluation of the *First Amendment Application*.

{¶ 23} The proposed amendment to the certificated facility does not result in a substantial change in the location of the facility or any material increase in any environmental impact; therefore, in accordance with R.C. 4906.07, an evidentiary hearing is not necessary.

{¶ 24} Based on the record, and in accordance with R.C. Chapter 4906, the amendment application regarding the certificate issued in the *Certificate Case* should be approved, subject to the conditions set forth in the Opinion, Order, and Certificate in the *Certificate Case*, and Staff's conditions set forth in its report in this case.

### III. ORDER

{¶ 25} It is, therefore,

{¶ 26} ORDERED, That AEP Ohio Transco's *First Amendment Application* be approved, subject to the conditions set forth in the Opinion, Order, and Certificate in the *Certificate Case* and Staff's conditions set forth in its report in this case. It is, further,

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

## THE OHIO POWER SITING BOARD

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Sam Randazzo, Chairman  
Public Utilities Commission of Ohio

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

Mary Mertz  
Mary Mertz, Board Member  
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Amy Acton for  
Amy Acton, M.D., MPH, Board  
Member and Director of the Ohio  
Department of Health

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

Greg Murphy  
Greg Murphy, Board Member  
and Public Member

LLA/hac

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AUG 15 2019

Tanowa Troupe

Tanowa Troupe  
Secretary