# THE OHIO POWER SITING BOARD

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| **IN THE MATTER OF THE APPLICATION OF AMERICAN TRANSMISSION SYSTEMS, INCORPORATED FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE CONSTRUCTION OF THE WOOD COUNTY 138-KV REINFORCEMENT PROJECT.** | **CASE NO. 18-1335-EL-BTX** |

## OPINION, ORDER, AND CERTIFICATE

Entered in the Journal on January 16, 2020

## I. SUMMARY

**{¶ 1}** The Ohio Power Siting Board approves and adopts the stipulation between American Transmission Systems, Incorporated and the Ohio Power Siting Board Staff; adopts a separate joint stipulation between American Transmission Systems, Incorporated and American Municipal Power, Inc.; and directs that a certificate be issued to American Transmission Systems, Incorporated for construction of a 138-kilovolt transmission line project.

## 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 4906-1, et seq.

**{¶ 3}** American Transmission Services, Incorporated (ATSI or Applicant) is a person as defined in R.C. 4906.01.

**{¶ 4}** 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. 4906.06, as well as Ohio Adm.Code Chapters 4906-5 and 4906-2.

**{¶ 5}** On August 29, 2018, ATSI filed a pre-application notification letter with the Board regarding proposed improvements to the transmission and subtransmission systems

in Wood County, Ohio. Specifically, ATSI proposed construction of a new 138-kilovolt (kV) transmission line extending from the existing Lemoyne-Midway 138-kV Transmission Line to the existing Brim Substation in northwestern Wood County, Ohio (the Project). Alternative routes under consideration would traverse Middleton, Center, and Plain townships and a portion of the City of Bowling Green.

**{¶ 6}** On December 19, 2018, with supplemental information submitted on January 22, 2019, May 9, 2019, and November 4, 2019, ATSI filed its application for a Certificate of Environmental Compatibility and Public Need (Application) to construct the Project.

**{¶ 7}** By letter dated February 19, 2019, the Board notified ATSI that its application was compliant and provided sufficient information to permit Board Staff (Staff) to commence its review and investigation. The letter directed Applicant to serve appropriate government officials and public agencies with copies of the complete, certified application and to file proof of service with the Board. The letter further instructed ATSI to submit its application fee pursuant to R.C. 4906.06(F) and Ohio Adm.Code 4906-3-12.

**{¶ 8}** On March 1, 2019, ATSI filed an affidavit of proof of service of its accepted and complete application as required by Ohio Adm.Code 4906-3-07. And, in compliance with Ohio Adm.Code 4906-3-07(C), on April 2, 2019, ATSI filed proof that it submitted its application fee.

**{¶ 9}** By Entry issued April 11, 2019, the administrative law judge (ALJ) established the effective date of the filing of the Application as April 11, 2019. The Entry also set forth a procedural schedule directing Staff to file a report of investigation by May 29, 2019, and scheduling a local public hearing on June 13, 2019, and an evidentiary hearing on June 27, 2019. The ALJ also directed ATSI to issue public notices of the application and hearings pursuant to Ohio Adm.Code 4906-3-9 indicating that petitions to intervene would be accepted by the Board up to 30 days following service of the notice, or by May 23, 2019, whichever was later.

**{¶ 10}** On May 22, 2019, American Municipal Power, Inc. (AMP) filed a motion to intervene in this proceeding.

**{¶ 11}** On May 23, 2019, ATSI and Staff filed a joint motion to suspend the procedural schedule citing the need for additional time for the preparation and analysis of information regarding the Project's compliance with Federal Aviation Administration requirements and related review of the Project by the Ohio Department of Transportation's Office of Aviation prior to the filing of Staff's report of investigation. By Entry issued the same day, the ALJ granted the motion to suspend the procedural schedule and directed ATSI to publish notice of the cancellation of the local public and evidentiary hearings, as well as post a notice regarding the cancellation at the location of the local public hearing.

**{¶ 12}** By Entry dated September 4, 2019, the ALJ granted an August 15, 2019 motion to reissue a procedural order filed by ATSI. The new procedural schedule included a local public hearing to be held October 24, 2019, and an evidentiary hearing to commence on November 7, 2019. Additionally, the ALJ directed Staff to file its report of investigation by October 9, 2019, set deadlines for the filing of testimony, and instructed ATSI to issue public notices of the rescheduled hearings. The September 4, 2019 Entry also granted AMP's motion to intervene.

**{¶ 13}** On October 9, 2019, Staff filed its report of investigation (Staff Report) pursuant to R.C. 4906.07(C).

**{¶ 14}** On October 16, 2019, ATSI filed a joint stipulation between itself and AMP resolving peripheral issues between ATSI and AMP related to the Project (the AMP Stipulation).

**{¶ 15}** The local public hearing was conducted on October 24, 2019; seven witness testified during the hearing.

**{¶ 16}** On November 4, 2019, ATSI and Staff filed a joint stipulation and recommended findings of fact and conclusions of law (Stipulation).

**{¶ 17}** On November 7, 2019, the ALJ conducted the evidentiary hearing where the Stipulation was presented for the Board's consideration, as was the AMP Stipulation. ATSI presented the testimony of Scott Humphrys and the following exhibits for the Board's consideration: the Stipulation (Jt. Ex. 1), the Application (App. Ex. 1), a compilation of public notices issued by ATSI and originally docketed on April 29, 2019, and October 15, 2019 (App. Ex. 2), Mr. Humphrys' prefiled testimony, which was filed to the record on October 29, 2019 (App. Ex. 3), and the AMP Stipulation (App. Ex. 4). Staff did not sponsor any witness testimony, but Staff did present the Staff Report (Staff Ex. 1) for consideration. All proffered exhibits were admitted to the record (Tr. at 30).

## III. PROJECT DESCRIPTION

**{¶ 18}** ATSI seeks certification to construct a new 138-kV transmission line in Wood County, Ohio. The new transmission line will be approximately six miles long and will run from the existing Lemoyne-Midway 138-kV Transmission Line to the Brim Substation. The Application proposes that ATSI will place the transmission line in service by June 2020.

## IV. CERTIFICATION CRITERIA

**{¶ 19}** 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 a gas pipeline;

(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, that the 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 will serve the interests of electric system economy and reliability;

(5) The facility will comply with R.C. Chapters 3704, 3734, and 6111, as well as all rules and standards adopted under those chapters and under R.C. 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 any proposed major facility; and

(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 EVIDENCE

**{¶ 20}** 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 herein has nevertheless been considered and weighed by the Board in reaching its final determination.

### *A. Local Public Hearing*

**{¶ 21}** On October 24, 2019, the local public hearing was conducted. The record includes testimony from seven witnesses. Two witnesses specifically addressed the proposed alternate route (one for and one against), while the remaining five witnesses spoke primarily to the preferred route. Topics of concern ranged from the potential interference of a 138-kV line on local amateur short-wave radio operators, possible loss of property value as well as tax implications, and disquiet over the aesthetic impact of the Project, to the potential for interference with local farming activity, including field and tile maintenance.

### *B. Staff Report*

**{¶ 22}** 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

**{¶ 23}** R.C. 4906.10(A)(1) requires an applicant for an electric transmission line or gas pipeline to demonstrate the basis of the need for such a facility.

**{¶ 24}** Staff explains that the Project is part of ATSI's improvement plan to modernize and improve the resiliency, overall efficiency, and operational flexibility of ATSI's transmission and subtransmission system in Wood County. The equipment for the Project is intended to reinforce the under 100 kV transmission system in the Bowling Green area and to improve electric transmission service. Staff notes that the Project is expected to help reduce the amount of local load loss under contingency conditions, resolve thermal loading issues, and provide operating flexibility to avoid the potential for local voltage collapse, all without any anticipated adverse impacts on the existing transmission grid. Staff concludes that ATSI has demonstrated the basis of need due to the reliability issues caused by low voltage on the existing regional transmission grid and that the Project should allow the transmission system to provide safe, reliable electric service. Accordingly, Staff

recommends that the Board find that the basis of need for the Project has been demonstrated and, therefore, complies with the requirements of R.C. 4906.10(A)(1), provided that any certificate issued by the Board include the conditions specified in the Staff Report. (Staff Ex. 1 at 21.)

### 2. NATURE OF PROBABLE ENVIRONMENTAL IMPACT

**{¶ 25}** 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 its investigation, Staff reviewed the nature of the probable impact of the Project; the following is a summary of Staff's findings.

#### *a. Socioeconomic Impacts*

**{¶ 26}** Land use near the Project is predominantly agricultural, with the Preferred and Alternative Routes traversing agricultural land for 96.5 percent and 88.3 percent of their lengths, respectively. No structures are expected to be removed or relocated for the facility's construction or operation, and no significant impacts to commercial or industrial land uses are likely. No state forests, parks, golf courses, hiking trails, or other recreational land uses are within 1,000 feet of either route, and both routes avoid sensitive land uses such as churches, schools, medical facilities, and cemeteries. The Wood County Planning Commission has indicated that the proposed transmission line is compatible with its regional land use plan, as it is expected to foster further economic development. (Staff Ex. 1 at 22.)

**{¶ 27}** Applicant has identified 83 residences located within 1,000 feet of the Preferred Route right-of-way and 104 residences located within 1,000 feet of the Alternative Route right-of-way. There are 17 residences located within 200 feet of the Preferred Route right-of-way, with distances ranging from 55 to 190 feet. There are 19 residences located within 200 feet of the Alternative Route right-of-way, but impacts to the residential

properties would be greater as three houses appear to be located within 35 feet of the right-of-way as it parallels Bishop Road. (Staff Ex. 1 at 22.)

**{¶ 28}** ATSI conducted a Phase I cultural resource survey to ascertain potential impacts to historical properties and archaeological sites, which included a review of the National Register of Historic Places (NRHP) and analysis of sites that may be eligible for inclusion in the NRHP. The survey focused on a one-mile radius around the Project and included archaeological resources and known sites, landmarks, historical structures, bridges, cemeteries, and historic districts. Additionally, in the Application, ATSI committed to ongoing consultation with the Ohio Historic Preservation Office (OHPO) in preparation of a survey plan for the Project area. ATSI stated that the evaluation of the study results would be coordinated with the OHPO to determine specific measures to appropriately avoid or minimize any potentially adverse impacts to cultural resources. ATSI has committed to achieving a memorandum of understanding with the OHPO to address and mitigate any potentially adverse impacts to cultural resources that cannot be avoided. (Staff Ex. 1 at 22.)

**{¶ 29}** The proposed location of the Project among existing agricultural fields and farm features such as storage silos moderates potential aesthetic viewshed impacts. Additionally, ATSI has selected a monopole design, which provides for a simpler appearance. Factors such as the rural nature of the project vicinity and smaller, more lightly traveled transportation corridors diminish viewing impacts. Existing woodlots will offer additional natural screening of portions of the line. Noise impacts associated with the Project would be limited and would occur during the proposed construction period. (Staff Ex. 1 at 23.)

**{¶ 30}** ATSI intends to construct, own, and operate the Project regardless of whether the Preferred or the Alternate Route is chosen. ATSI plans to acquire rights-of-way and easements for the project through negotiations with property owners and may also reach purchase agreements or similar instruments with property owners. Total estimated capital

and intangible costs are expected to be nearly $8.5 million for either route. Based on its estimates, ATSI expects that both the proposed routes will generate approximately $570,000 in first year property taxes to local townships and school districts located within Wood County. (Staff Ex. 1 at 23.)

***b. Ecological Impacts***

**{¶ 31}** The geology at the project area does not present any known geological hazards or features that would adversely impact or prevent the construction of the proposed 138-kV transmission line. The project area lies entirely within the glaciated Maumee Lake Plains Region of the Central Lowland Physiographic Province formed by the glacial lakes that preceded present-day Lake Erie. The area is a flat plain traversed by sand ridges, the bedrock for which consists of shales, dolomite, and limestone. There are no known Karst features mapped within the project area, although it is noted that the bedrock geologies of carbonate rock can be affected by dissolution in the presence of an elevated and slightly acidic groundwater table. ATSI will perform site specific geotechnical work to obtain additional information for engineering design and construction purposes. (Staff Ex. 1 at 24.)

**{¶ 32}** The soils along both routes generally consist of silt loams and silty clay loams. ATSI sited both routes along flat lying areas, with slopes along both routes mostly ranging from zero to two percent and none exceeding 12 percent. None of the mapped soil units present factors that would hinder or prevent the construction of the transmission line along either route. ATSI will perform additional subsurface drilling and soil testing at representative locations along the selected route; borings will extend to the proposed depth within the soil subsurface or to competent bedrock, whichever is encountered first. Prior to construction, Applicant's geotechnical representative will provide Applicant and Staff a final report documenting the findings of the geotechnical investigation and testing, along with recommendations on foundation design and construction methods. Pending that final report, the soils appear to be suitable for the design and construction of the proposed transmission line. (Staff Ex. 1 at 24-25.)

**{¶ 33}** No wetlands, lakes, reservoirs, or floodplains would be crossed or impacted by the Project. The Preferred Route right-of-way would cross three perennial streams and nine upland drainage ditches; the Alternate Route right-of-way would cross one perennial stream and six upland drainage ditches. All streams and ditches have maintained herbaceous vegetative banks with no forested riparian areas. Temporary stream crossing by vehicles may be required during construction. In addition to temporary culvert stream crossing, and temporary access bridge crossing, ATSI has proposed temporary stream fords that involve direct crossings of streams by construction vehicles without protection of the stream bed and banks. Staff, however, recommends that no stream fords be permissible, as the practice can lead to increased erosion and sedimentation; Staff recommends timber matting or other methods be used to avoid or minimize streambed disturbance. (Staff Ex. 1 at 25.)

**{¶ 34}** Applicant requested information from the Ohio Department of Natural Resources (ODNR) and the United States Fish and Wildlife Service (USFWS) regarding state and federal listed threatened and endangered plant and animal species. Staff gathered additional information through field assessments and review of published ecological information. Staff reports that three bird species, one type of turtle, two mammals, one fresh water mussel, and one fish species that are listed as either threatened or endangered by state and/or federal agencies are in "known range" of the Project area; with the exception of the mammals, however, no impacts on the species are anticipated. The known mammals are the state and federal endangered Indiana bat and the state and federal threatened northern long-eared bat. In order to avoid impacts to these species, Staff recommends that ATSI adhere to seasonal tree cutting dates of October 1 through March 31 for all trees three inches or greater in diameter when the small amount of tree clearing necessitated by the Project is conducted. No threatened or endangered plant species is identified. In the event, however, that ATSI encounters listed plant or animal species during construction, Staff recommends that ATSI immediately halt construction that would adversely impact the encountered species and contact Staff, ODNR, and the USFWS as applicable. Staff additionally

recommends that, prior to construction, ATSI provide to Staff a final access plan that would include avoidance of impacts to listed species as presented in the Application and the location of any listed plant or animal species encountered prior to construction. (Staff Ex. 1 at 25-27.)

**{¶ 35}** Both proposed routes cross through two major vegetative communities: agricultural and maintained lawn vegetation. The Preferred Route would impact 42 acres of agricultural and 1.4 acres of maintained lawn vegetation; the Alternate Route would affect 38.6 acres of agricultural land and 4 acres of maintained lawn. ATSI proposes to clear 30 feet on either side of the transmission line. Temporary disturbance to the right-of-way includes vegetative clearing and installation of poles and stringing locations, but no forested areas would be cleared, and tree clearing would be limited to a select few trees along either route. During operation, the right-of-way would be returned to agricultural land use. (Staff Ex. 1 at 27.)

### *c. Public Services, Facilities, and Safety*

**{¶ 36}** The Preferred and Alternate Routes cross several county and township roads in Wood County. The Preferred Route crosses one state route, and the Alternate Route crosses two state routes; neither crosses a U.S. highway or interstate route. Neither route is identified as crossing or following any active railroads, nor does either route cross any bridges in the project area. Construction areas will be accessed via existing farm roads and public roads; increased truck traffic is anticipated during construction for the purpose of project area equipment access and equipment and material deliveries. (Staff Ex. 1 at 27.)

**{¶ 37}** ATSI will comply with all applicable safety standards set by the Occupational Safety and Health Administration, PUCO safety standards, and the North American Electric Reliability Corporation (NERC) Reliability Standards (Staff Ex. 1 at 27).

**{¶ 38}** Because minimization of radio interference is incorporated into the design of the transmission line, Applicant does not expect AM or FM radio or microwave path

interference to occur from operation of the line along either the Preferred or the Alternate Route. Any likely source of television interference would be localized and due to defective hardware, which could be easily detected and replaced. ATSI will maintain the transmission line in good condition, which should avoid impacts to television reception. (Staff Ex. 1 at 27-28.)

**{¶ 39}** In sum, and based on its investigation, Staff recommends that the Board find that ATSI 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 include the conditions specified in the Staff Report (Staff Ex. 1 at 28).

### 3. MINIMUM ADVERSE ENVIRONMENTAL IMPACT

**{¶ 40}** 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.

**{¶ 41}** Staff states that ATSI completed a route selection process to determine the Preferred and Alternate transmission line routes. This process included identifying land use constraints, which were then categorized by evaluating various land uses, including ecological, cultural, and technical factors, and the use of a ranking system to weigh the data to produce potential routes. ATSI also relied on public involvement to determine feasible adjustments to the final two routes. Noting that both routes are viable, Staff ultimately concludes that potential impacts are greater along the Alternate Route. Although the ecological and economic costs, as well as land use impacts associated with agricultural, institutional, and commercial uses, are similar for both routes, Staff reports concerns that the Alternate Route would have a greater impact to residential properties. Staff notes that the Alternate Route has more residences located within 1,000 feet and also within 200 feet; additionally, three houses are projected to fall within 35 feet of the edge of the Alternate

Route's right-of-way. Accordingly, Staff recommends that the Board find that the Preferred Route represents the minimum adverse environmental impact and, therefore, complies with R.C. 4906.10(A)(3), provided that any certificate issued by the Board for the Project include the conditions specified in Staff Report. (Staff Ex. 1 at 29.)

**4. ELECTRIC GRID**

**{¶ 42}** Pursuant to R.C. 4906.10(A)(4), the Board must determine 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. Under the same authority, the Board must also determine that the proposed facility will serve the interest of the electric system economy and reliability.

**{¶ 43}** Staff explains that ATSI uses internal transmission planning reliability criteria to plan their systems. These criteria are required by the Federal Regulatory Energy Commission (FERC) and are filed as part of the annual FERC Form No. 715 filing. Additionally, the criteria must comply with NERC Reliability Standards and PJM Interconnection, LLC (PJM) planning and operating manuals for the Bulk Electric System (BES). ATSI defines the BES as transmission lines rated below 100 kV and transformers with secondary voltages below 100 kV. The proposed project is designed to meet ATSI's transmission planning criteria. (Staff Ex. 1 at 30.)

**{¶ 44}** 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. As stated above, ATSI is subject to these standards and, as such, has incorporated them into its internal transmission planning criteria. ATSI submitted the proposed facility to PJM as a supplemental project, which was reviewed at the PJM Subregional RTEP Committee-Western meeting on August 31, 2018. PJM assigned the project upgrade ID S1703, and the connection status of the transmission project can be tracked on PJM's website. (Staff Ex. 1 at 30-31.)

**{¶ 45}** Staff reports that ATSI evaluated the Wood County area transmission system using PJM's 2022 summer peak load conditions with and without the proposed project in-service using multiple contingency events. The results exhibited several facilities over their summer emergency ratings and with critical low voltage. These conditions can cause equipment failure and reliability problems, including a complete collapse of the local grid. Staff reviewed transcription diagrams provided by ATSI to verify the load flow results. Staff determined that ATSI provided information demonstrating that the proposed project would improve reliability by adding a second 138 kV transmission source to the Wood County area and would also allow for future economic development and growth. (Staff Ex. 1 at 31-32.)

**{¶ 46}** Accordingly, Staff recommends the Board find that the proposed facility is consistent with the regional plans for expansion of the electric power grid of electric systems serving the state and interconnected utility systems and that the facility would serve the interests of electric system economy and reliability. Staff further 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 includes the conditions specified in the Staff Report. (Staff Ex. 1 at 32.)

### 5. AIR, WATER, SOLID WASTE, AND AVIATION

**{¶ 47}** 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.

**{¶ 48}** Although air quality permits are not required for construction of the Project, fugitive dust rules adopted under R.C. Chapter 3704 may be applicable during construction. ATSI proposes to control fugitive dust through dust suppression techniques such as irrigation, mulching, or application of tackifier resins. Staff states that these methods of dust control are sufficient to comply with the fugitive dust rules. (Staff Ex. 1 at 33.)

**{¶ 49}** Requirements under R.C. 1501.33 and 1501.34 are not applicable to the Project because neither construction nor operation of the proposed facility would require use of significant amounts of water. If needed, ATSI 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. Applicant also intends to submit a Notice of Intent for coverage under the Ohio Environmental Protection Agency's (Ohio EPA) NPDES general permit for stormwater discharges associated with construction activities. Applicant would submit a Stormwater Pollution Prevention Plan (SWPPP) to the Ohio EPA as part of the NPDES permit. The SWPP would include a detailed construction access plan and indicate best management practices for construction activities that minimize erosion-related impacts to streams and wetlands. Additionally, Applicant has committed to identify wetlands, streams, and other environmentally sensitive areas before commencement of clearing or construction and has stated that no construction or access would be permitted in these areas unless clearly specified in construction plans and specifications, which will minimize any disturbance to surface water bodies. With these provisions, Staff states that construction of the facility would comply with the requirements under R.C. Chapter 6111. (Staff Ex. 1 at 33.)

**{¶ 50}** It is anticipated that debris generated during construction will consist of items such as conductor scrap, construction material packaging (including cartons, boxes, insulator crates, conductor reels, and wrapping), and used stormwater erosion control materials. Materials with salvage value will include clearance poles and conductor reels. All construction-related debris will be disposed of in accordance with state and federal requirements. Additionally, any contaminated soils discovered or generated during construction will be handled in accordance with applicable regulations. ATSI intends to have a Spill Prevention Plan in place and will follow said plan for any spill cleanup. ATSI's solid waste disposal plans comply with the requirements set forth in R.C. Chapter 3734. (Staff Ex. 1 at 33.)

**{¶ 51}** The anticipated height of the electric transmission support structures is expected to be from 55-feet to 150-feet tall. ATSI will also utilize cranes during construction of the proposed facility. (Staff's Ex. 1 at 33-34.)

**{¶ 52}** The Federal Aviation Administration (FAA) and Ohio Department of Transportation (ODOT) Office of Aviation administer regulatory programs to provide airport airspace analysis and to evaluate and authorize certain obstructions near airports. At ATSI's request, the FAA performed an aeronautical study for the electric transmission support structures and issued determination of no hazard letters for each structure with the caveat that, if the crane height exceeds the overall heights in the aeronautical study a separate temporary construction authorization may need to be obtained. Staff recommends that ATSI notify the closest airport, i.e., the Wood County Airport, prior to construction and provide detail of the height, operating conditions, and duration of the crane work. Staff identified seven other public-use airports and one heliport located between five and 18 miles from the proposed transmission lines but found that none pose any air navigation concerns with the line. Additionally, Staff contacted the ODOT Office of Aviation during the review of the Application, in accordance with R.C. 4906.10(A)(5) and R.C. 4561.341, to consult and determine potential impacts of the proposed transmission line on local airports. The ODOT Office of Aviation indicated that none of the structures filed with the FAA for either the Preferred or the Alternate Routes would penetrate 14 CFR Part 77 protected navigable airspace of the Wood County Airport or any other public use airport in Ohio. (Staff Ex. 1 at 34.)

**{¶ 53}** Based on its review, Staff recommends that the Board find that the proposed facility complies with the requirements specified in R.C. 4906.10(A)(5), provided that any certificate issued by the Board includes the conditions specified in the Staff Report (Staff Ex. 1 at 34).

### 6. PUBLIC INTEREST, CONVENIENCE, AND NECESSITY

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

**{¶ 55}** Staff advises that ATSI did work with the community with regard to the proposed facility. In addition to hosting a public informational open house, where attendees were provided the opportunity to speak with ATSI representatives about the Project and provide feedback, Applicant served copies of the complete application on officials representing Wood County; Center, Middleton, and Plain townships; and the City of Bowling Green. Applicant also sent copies of the complete application to the Wood County District Library. ATSI has also committed to provide notice any to affected property owners and tenants about construction activities at least seven days in advance of construction. Staff recommends that ATSI provide Staff with a copy of its public information program and a copy of its complaint resolution process to address potential public complaints resulting from facility construction and operation. (Staff Ex. 1 at 35.)

**{¶ 56}** When energized, electric transmission lines generate electromagnetic fields (EMF). Although laboratory studies have failed to establish a strong correlation between exposure to EMF and effects on human health, there have been concerns that EMF may have such impacts. Thus, Applicant has computed the EMF associated with the new circuits. The fields were computed based on the maximum loading of the lines, which would lead to the highest EMF values that could exist along the proposed line. Daily current load levels normally operate below maximum load conditions, thereby further reducing nominal EMF values. (Staff Ex. 1 at 35.)

**{¶ 57}** Electric fields are a function of the voltage, line configuration, and distance from the transmission line and are easily shielded by physical structures such as the walls of a house and foliage. Magnetic fields are a function of the electric current, the configuration of conductors, and the distance from the transmission line. The electric field for this transmission line would be 0.398 kV/meter or less, and the magnetic fields are

estimated at the right-of-way edge to be less than 37.25 milligauss. ATSI states that the transmission facilities will be installed according to the requirements of the National Electric Safety Code. (Staff Ex. 1 at 36.)

**{¶ 58}** Therefore, Staff recommends that the Board find that the proposed facility would serve the public interest, convenience, and necessity, and complies with the requirements set forth in R.C. 4906.10(A)(6), provided that any certificate issued by the Board includes the conditions specified in the Staff Report (Staff Ex. 1 at 36).

### 7. AGRICULTURAL DISTRICTS

**{¶ 59}** 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 Preferred and Alternate Routes of the proposed utility facility.

**{¶ 60}** Respectively, the Preferred and Alternate Routes would include approximately 42 and 39.6 acres of agricultural land, which is currently used primarily for the production of row crops. The majority of impacts to agricultural lands would be temporary. Both of the proposed routes are located almost entirely within agricultural district lands; ATSI's research of county records identified 54 agricultural district properties located within 1,000 feet of the Preferred and Alternate Routes. (Staff Ex. 1 at 37.)

**{¶ 61}** Applicant will take measures to minimize impacts resulting from construction, operation, and maintenance of the Project to field operations, irrigation, agricultural, and field drainage systems associated with agricultural lands. ATSI will coordinate with landowners to mitigate any impact on irrigation systems and will repair field drainage systems damages by construction activities. ATSI will compensate landowners for any lost or damaged crops, and structures will be located, where feasible, at the edge of fields. Excavated top soil will be segregated and stockpiled; top soil will be restored to original conditions. According to ATSI, no agricultural structures are anticipated to be impacted by the Project. Given the measures to be undertaken by ATSI to

minimize impacts to agricultural lands, Staff indicates that the proposed facility will not impact the agricultural viability of any existing agricultural district land within either the Preferred or Alternate Route. (Staff Ex. 1 at 37.)

**{¶ 62}** 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, the requirements of R.C. 4906.10(A)(7) are satisfied, provided that any certificate issued by the Board includes the conditions specified in the Staff Report (Staff Ex. 1 at 37).

### 8. WATER CONSERVATION PRACTICE

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

**{¶ 64}** Staff explains that, although the transmission line may require the use of minimal amounts of water for dust control and for concrete foundations during construction, the line will not require the use of any water during operation. 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 38).

### 9. RECOMMENDATIONS

**{¶ 65}** 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 39-42). With some slight differences, the recommended conditions found within the Staff Report were adopted and re-enumerated in the November 4, 2019 Stipulation (Jt. Ex. 1). The conditions are discussed below.

## VI. STIPULATION AND CONDITIONS

**{¶ 66}** The November 4, 2019 Stipulation between ATSI and Staff was offered and accepted into evidence at the adjudicatory hearing (Jt. Ex. 1; Tr. at 9, 30). ATSI witness Scott Humphrys testified in support of the Stipulation (Tr. at 22-25). Pursuant to the Stipulation, the parties recommend that the Board issue the certificate requested by ATSI, subject to 19 listed conditions. The following is a summary of the conditions agreed to by the parties and is not intended to replace or supersede the actual Stipulation.

(1) The facility shall be installed on the Preferred Route, utilizing the equipment, construction practices, and mitigation measures as presented in the Application filed on December 19, 2018, and supplemented on January 2, 2019, and May 9, 2019, and further clarified by recommendations in the Staff Report.

(2) Prior to the start of any construction activities, ATSI shall conduct a preconstruction conference, which shall be attended by Staff, the Applicant, and representatives of the prime contractor and all subcontractors for the Project. Applicant shall provide a proposed conference agenda for Staff review prior to the conference. Applicant may conduct separate preconstruction meetings for each stage of construction.

(3) ATSI 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 or access points, at least 30 days before the preconstruction conference. This final project design shall include all conditions of the certificate and references at the locations where the Applicant and/or its contractors must adhere to a specific condition in order to

comply with the certificate and shall be provided in hard copy and as geographically-referenced electronic data.

(4) Within 60 days after the commencement of commercial operation, ATSI 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) If ATSI has not commenced a continuous course of construction for the proposed facility within five years of the date of the certificate's journalization, the certificate shall become invalid.

(6) As information becomes known, 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, ATSI shall obtain and comply with such permits or authorizations, including any permits necessary for aviation clearance. ATSI shall provide copies of permits and authorizations, including all supporting documentation, to Staff within seven days of issuance or receipt by the Applicant. Applicant shall provide a schedule of construction activities and acquisition of corresponding permits for each activity at the preconstruction conference.

(8) At least 30 days before the preconstruction conference, Applicant shall provide Staff with a copy of a complaint

resolution process to address potential public complaints resulting from facility construction and operation. The resolution process must describe how the public can contact the facility and how the facility would respond to anyone issuing a complaint.

(9) At any steel pole location, Applicant shall complete a geotechnical exploration and evaluation that is adequate to confirm that there are no geotechnical issues to preclude the safe installation of any individual structure. Applicant must fill all boreholes, and borehole abandonment must comply with state and local regulations. Applicant shall provide copies of any geotechnical boring logs it completes to comply with this condition to Staff and to the ODNR Division of Geological Survey prior to construction.

(10) ATSI shall contact Staff, the ODNR, and the USFWS within 24 hours if state or federally listed species are encountered during construction activities, and construction activities that could adversely impact the identified plants or animals shall be halted until an appropriate course of action has been agreed upon by ATSI, Staff, and the appropriate agencies.

(11) Prior to the preconstruction conference, ATSI shall provide a construction access plan for review. The plan shall consider the location of streams, wetlands, wooded areas, and sensitive plant or animal species and explain how impacts to all sensitive resources will be avoided or minimized during construction, operation, and maintenance. The plan shall also 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.

(12) ATSI shall not cross streams by fording for construction access and shall instead employ timber matting or other methods that avoid or minimize streambed disturbance.

(13) ATSI shall coordinate with the appropriate authority regarding any temporary road closures, lane closures, road access restrictions, and traffic control necessary for construction and operation of the proposed facility.

(14) 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 operations, and blasting operations, if required, shall be limited to the hours between 10:00 a.m. and 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. Applicant shall notify property owners or affected tenants of upcoming construction activities including the potential for nighttime construction.

(15) Applicant shall meet all applicable and required FAA and ODOT Office of Aviation requirements to construct an object that may affect navigable airspace. This includes submitting coordinates and heights for all structures that penetrate the notification slope of any public use airport or that exceed 199 feet above ground level for ODOT Office of Aviation and FAA

review prior to construction and the non-penetration of any FAA Part 77 surfaces.

(16) At least 30 days prior to the preconstruction conference, the Applicant shall file to the docket a copy of any FAA Determination of No Hazard letters and any FAA temporary construction permit(s) required for the electric transmission towers as shown in the Application or any construction cranes.

(17) If required by applicable FAA regulations, Applicant shall file the as-built electrical transmission tower coordinates and heights with the FAA, the Wood County Airport, and the Board within 30 days of construction completion.

(18) ATSI shall notify the Wood County Airport authority regarding the use of construction cranes to ensure that any necessary notification can be issued by the airport.

(19) 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 General National Pollutant Discharge Elimination System permit(s) obtained for the Project and the approved Stormwater Pollution Prevention Plan created for the Project. All construction debris and all contaminated soil shall promptly be removed and properly disposed of in accordance with Ohio EPA regulations.

(Jt. Ex. 1 at 10-14.)

## VII. AMP STIPULATION

**{¶ 67}** In addition to the November 4, 2019 Stipulation between ATSI and Staff, ATSI presented the October 16, 2019 AMP Stipulation for the Board's consideration at the adjudicatory hearing (App. Ex. 4; Tr. at 9, 30). ATSI witness Scott Humphrys also testified in support of the AMP Stipulation (Tr. at 25-28). The AMP Stipulation does not address any issues raised by the Staff Report; in fact, AMP specifically takes no position on the issuance of a certificate for the Project (App. Ex. 4 at 1, 4). The following is a summary of, and is not intended to replace or supersede, the AMP Stipulation.

(1) **Historical Coordination and Purpose**

ATSI proposes a solution to certain identified constraints in the Project Area, as described in the Application. AMP intervened to request clarifications and ensure continued collaborative, coordinated planning by and between ATSI, AMP, and Bowling Green given the parallel operation of ATSI's 138 kV and 69 kV transmission system in and near the Project Area with Bowling Green's facilities. The AMP Stipulation memorializes the agreement between AMP and ATSI regarding coordination of planning and construction responsibility to address transmission needs to construct the Project components described in the AMP Stipulation in the Project Area.

(2) **Project Components**

Four coordinated components will be built, the first two of which will be executed by ATSI. The second two components will be executed by AMP, or an AMP related entity, and all necessary authorizations will be obtained by AMP or an AMP related entity.

The ATSI components are:

A. The construction of the new Lemoyne-Midway 138-kV Transmission Line to Brim Substation. This component is from a new tap location on the existing Lemoyne-Midway 138-kV Line to the new Brim 4-Breaker 138 kV Ring Bus at the existing Brim Substation. The new 138-kV transmission line is an extension of approximately 6.1 miles from the existing transmission line to the expanded Brim Substation and will further reinforce the local area 69-kV network with the 138-kV transmission system. This component is described in the Application.

B. The expansion of the Brim Substation, which involves establishing a 4-Breaker 138 kV Ring Bus. This upgrade is described in the Need section of the Application but, as discussed therein, is not subject to Board jurisdiction.

The AMP components are:

A. The establishment of a new 138/69 kV interconnection substation, including the installation of a new 138/69 kV transformer, one 138 kV circuit breaker, and three 69 kV circuit breakers.

B. The establishment of a new 0.1 mile 138 kV tie line between the ATSI Brim 138/69 kV substation and the new 138/69 kV substation.

The AMP components are subject to Board jurisdiction and AMP or its affiliate will file an application for Board authorization to construct the AMP components. The AMP components have an anticipated in-service date during the fourth quarter of 2021 or first

quarter 2022 to ensure that all of the electrical system improvements are realized in a reasonable time period.

(App. Ex. 4 at 2-4.)

## VIII. CONCLUSION

**{¶ 68}** Pursuant to Ohio Adm.Code 4906-2-24, parties before the Board are permitted 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. Under Ohio Adm.Code 4906-2-24(D), no stipulation is binding on the Board. However, the Board affords the terms of such an agreement substantial weight. The standard of review for considering the reasonableness of a stipulation has been discussed in a number of Board proceedings. *See, e.g., In re Hardin Wind, LLC*, Case No. 13-1177-EL-BGN (Mar. 17, 2014); *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 Rolling Hills Generating LLC*, Case No. 12-1669-EL-BGA (May 1, 2013); *In re American Transm. Systems Inc.,* Case No. 12-1727-EL-BSB (Mar. 11, 2013). The ultimate issue for the Board's consideration is whether the agreement, which embodies considerable time and effort by the signatory parties, is reasonable and should be adopted. In considering the reasonableness of a stipulation, the Board has used the following criteria:

(a) Is the settlement a product of serious bargaining among capable, knowledgeable parties?

(b) Does the settlement, as a package, benefit ratepayers and the public interest?

(c) Does the settlement package violate any important regulatory principal or practice?

### *A. The AMP Stipulation*

**{¶ 69}** The Board first addresses the AMP Stipulation. ATSI and AMP assert that the AMP Stipulation is the product of serious bargaining among capable and knowledgeable parties, each of which was represented by experienced counsel who regularly practice and participate in proceedings before the Board (App. Ex. 4 at 1). ATSI witness Scott Humphrys reinforced that assertion, testifying that the AMP Stipulation was the product of serious and extensive discussion of the addressed issue by parties represented by competent counsel (Tr. at 27). The Board finds that the AMP Stipulation satisfies the first prong of our reasonableness test in that the record supports the conclusion that the agreement is the product of serious bargaining among capable, knowledgeable parties.

**{¶ 70}** Similarly, the Board concludes that the second and third elements are satisfied. As a package, the agreement benefits rate payers and the public interest by identifying and addressing issues to improve electrical service in the surrounding areas. During the hearing, Mr. Humphrys explained that the AMP Stipulation addresses the general electrical system needs in the Bowling Green area, and not just the Project as defined in the Application. More specifically, the AMP Stipulation is a statement by AMP and ATSI that there are four electrical system components and projects that need to be completed to generally improve service in the Bowling Green area, the Project described in the Application being one of those four components. Mr. Humphrys further noted that the AMP Stipulation would facilitate the Project subject to the Application, which the Application notes is intended to improve reliability of the transmission and subtransmission systems in the Bowling Green and surrounding area, to strengthen the transmission system under numerous planning contingencies, and to improve overall efficiency and flexibility in the operation of the transmission system in Wood County. (Tr. at 26-28; App. Ex. 1 at 02-1.) Mr. Humphrys also testified that the AMP Stipulation does not violate any important regulatory principle (Tr. at 28). There is no evidence in the record to the contrary.

**{¶ 71}** Thus, the Board concludes that the AMP Stipulation is reasonable and should be adopted. In granting approval, the Board notes that the AMP Stipulation does not analyze or otherwise address the Stipulation between ATSI and Staff, nor does it take any position on the issuance of the certificate sought by the Application. In adopting the AMP Stipulation, the Board does not pass judgment on any future application needed to bring the separate project components to fruition. Rather, the Board acknowledges and approves the AMP Stipulation for its stated purpose: a resolution of outstanding issues between ATSI and AMP related to the Project (App. Ex. 4 at 1).

### *B. The Stipulation*

**{¶ 72}** Upon review, the Board finds that the Stipulation is the product of serious bargaining among capable, knowledgeable parties. In the introduction of the Stipulation, ATSI and Staff aver that the Stipulation is the product of serious bargaining among capable and knowledgeable parties who actively participated in the negotiations while represented by experienced counsel who regularly practice before the Board (Jt. Ex. 1 at 2). Similarly, at the adjudicatory hearing, Mr. Humphrys testified that the Stipulation was reached between the parties after extensive discussions and negotiations and that ATSI and Staff were represented by competent counsel (Tr. at 24). Given these statements, as well as the Board's own knowledge of the parties' and counsels' extensive practice before the Board, the Board finds that the first criterion is met.

**{¶ 73}** ATSI and Staff further assert that the Stipulation will benefit customers and the public interest without violating any important regulatory principal or practice (Jt. Ex. 1 at 2). Again, testimony given at the adjudicatory hearing reinforces the stipulating parties' assertions. As to the former, Mr. Humphrys explained that the Stipulation represents and serves the public interest by promoting construction of the project to facilitate safe and reliable electric service. Additionally, in his prefiled testimony, Mr. Humphrys addressed the concern raised at the local public hearing regarding how much interference local amateur radio operators can expect from the proposed line. Mr. Humphrys explained that

Applicant does not expect radio or television interference to occur from operation of the proposed line. Further, although gas type discharges (corona) could result in radio frequency interference, large corona levels are not typically encountered at 138 kV; thus, radio frequency interference does not generally occur. In other words, Mr. Humphrys indicates that the potential for radio interference is very low. (App. Ex. 3 at 19-20.) Accordingly, the record indicates that this particular concern of the local public interest should be minimally impacted. As to the third prong, Mr. Humphrys also testified that, to his knowledge, the Stipulation does not violate any regulatory principle. (Tr. at 24.) The Board also notes that the Stipulation reflects consideration and, for the most part, adoption of Staff's recommendations and conditions and benefits the public interest by resolving any issues or discrepancies between the parties without the need for protracted litigation. Given our review, the Board concludes that the second and third elements of the reasonableness test are satisfied.

**{¶ 74}** Based on the record in this proceeding, the Board concludes that all of the elements established in accordance with R.C. Chapter 4906 are satisfied for the construction, operation, and maintenance of the proposed 138-kV transmission line as described in ATSI's application, 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 ATSI in accordance with R.C. Chapter 4906.

## IX. FINDINGS OF FACT AND CONCLUSIONS OF LAW

**{¶ 75}** ATSI is a person under R.C. 4906.01(A) and is licensed to do business in the State of Ohio.

**{¶ 76}** The proposed electric transmission line is a major utility facility as that term is defined in R.C. 4906.01(B).

**{¶ 77}** On August 29, 2018, ATSI filed a pre-application notification letter informing the Board of a public informational meeting for its proposed facility.

**{¶ 78}** On September 28, 2018, ATSI filed proof of its publication of the notice regarding the public informational meeting in accordance with Ohio Adm.Code 4906-3-03. The affidavit of proof of service indicates that notice was sent to each property owner and affected tenant on September 4, 2018, that a public notice appeared in the *Bowling Green Sentinel Tribune* on September 12, 2018, and that details of the public informational meeting time and location had been available on Applicant's website since September 18, 2018.

**{¶ 79}** On September 26, 2018, ATSI held the public informational meeting for its proposed transmission line project.

**{¶ 80}** On December 19, 2018, with supplemental information submitted on January 22, 2019, May 9, 2019, and November 4, 2019, ATSI filed its application for a Certificate of Environmental Compatibility and Public Need.

**{¶ 81}** By letter dated February 19, 2019, the Board notified ATSI that its application had been found to be sufficiently complete pursuant to Ohio Adm.Code Chapter 4906-1, et seq.

**{¶ 82}** On March 1, 2019, ATSI filed an affidavit of proof of service of its accepted and complete application on appropriate government officials and public agencies. And, on April 2, 2019, ATSI filed proof that it submitted its application fee.

**{¶ 83}** On April 11, 2019, the ALJ issued a procedural Entry establishing the effective date of the application as April 11, 2019; scheduling a local public hearing for June 13, 2019, and an adjudicatory hearing for June 27, 2019; directing Staff to file a report; and setting a deadline for intervention.

**{¶ 84}** On April 29, 2019, ATSI filed proof of notification and notice regarding the date, time, and location of the public and adjudicatory hearings, including proof of notice of the hearings to affected property owners and elected officials in compliance with Ohio Adm.Code 4906-3-09(A).

**{¶ 85}** On May 22, 2019, AMP filed a motion to intervene.

**{¶ 86}** On May 23, 2019, Staff and ATSI jointly filed a motion to suspend the procedural schedule. Also on May 23, 2019, the ALJ issued an Entry granting the motion and directing ATSI to publish notice of the cancellation of the scheduled hearings.

**{¶ 87}** On August 15, 2019, ATSI filed a motion to reissue a procedural schedule.

**{¶ 88}** By Entry dated September 4, 2019, the ALJ issued a new procedural schedule establishing a local public hearing date of October 24, 2019, and an adjudicatory hearing date of November 7, 2019, directing Staff to file its report of investigation by October 9, 2019, and setting deadlines for the filing of testimony. The September 4, 2019 Entry also granted AMP's motion to intervene.

**{¶ 89}** The Staff Report was filed October 9, 2019.

**{¶ 90}** On October 16, 2019, ATSI filed the AMP Stipulation, representing an agreement resolving peripheral issues to the Project between ATSI and AMP.

**{¶ 91}** On October 17, 2019, ATSI filed a proof of publication indicating that copies of the second "Notice of Proposed Major Utility Facility" were sent to government officials, libraries, and affected property owners on October 7, 2019, and was published in *The Bowling Green Sentinel Tribune* the same day.

**{¶ 92}** A local public hearing was held on October 24, 2019. Seven witnesses testified during the hearing.

**{¶ 93}** On November 4, 2019, ATSI and Staff filed a Stipulation resolving all issues raised by the Application and Staff's investigation in this proceeding.

**{¶ 94}** On November 7, 2019, the ALJ conducted the evidentiary hearing where the Stipulation and the AMP Stipulation were presented for the Board's consideration. ATSI presented the testimony of Scott Humphrys.

**{¶ 95}** Adequate data on the proposed transmission line has been provided to make the applicable determinations required by R.C. 4906.10(A). The record evidence in this matter provides sufficient factual data to enable the Board to make an informed decision.

**{¶ 96}** The AMP Stipulation satisfies the criteria established by the Board for review and consideration of such agreements.

**{¶ 97}** The Stipulation satisfies the criteria established by the Board for review and consideration of such agreements.

**{¶ 98}** Based on the record, the Board finds that ATSI's application should be approved and, pursuant to R.C. Chapter 4906, a certificate should be issued for the construction, operation, and maintenance of the electric transmission line project subject to the conditions set forth in the Stipulation and this Order.

## X. ORDER

**{¶ 99}** It is, therefore,

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

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

**{¶ 102}** ORDERED, That a certificate be issued to ATSI for the construction, operation, and maintenance of the electric transmission line, subject to the conditions set forth in the Stipulation and this Order. It is, further,

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

BOARD MEMBERS:
*Approving:*

Sam Randazzo, Chairman
Public Utilities Commission of Ohio

Rachel Near, Designee for Lydia Mihalik, Director
Ohio Development Services Agency

Mary Mertz, Director
Ohio Department of Natural Resources

Gene Phillips, Designee for Amy Acton, M.D., MPH, Director
Ohio Department of Health

Drew Bergman, Designee for Laurie Stevenson, Director
Ohio Environmental Protection Agency

George McNab, Designee for Dorothy Pelanda, Director
Ohio Department of Agriculture

Greg Murphy, Public Member

PAS/hac

Summary: Opinion & Order that the Ohio Power Siting Board approves and adopts the stipulation between American Transmission Systems, Incorporated and the Ohio Power Siting Board Staff; adopts a separate joint stipulation between American Transmission Systems, Incorporated and American Municipal Power, Inc.; and directs that a certificate be issued to American Transmission Systems, Incorporated for construction of a 138-kilovolt transmission line project electronically filed by Docketing  Staff on behalf of Docketing