

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF
AEP OHIO TRANSMISSION COMPANY,
INC. FOR AN AMENDMENT TO THE BELL
RIDGE-DEVOLA 138 kV TRANSMISSION
LINE REBUILD PROJECT.

CASE NO. 19-1473-EL-BTA

ORDER ON CERTIFICATE

Entered into the Journal on January 16, 2020

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 August 16, 2018, the Board granted the application filed by AEP Ohio Transmission Company, Inc. (AEP Ohio Transco or Applicant) for a certificate to construct a new 138 kilovolt (kV) transmission line, covering approximately eleven miles through Lawrence, Fearing, and Muskingum townships in Washington County, Ohio, between the Bell Ridge Substation and the Devola Substation (the project). *In re AEP Ohio Transmission Company, Inc.*, Case No. 17-1907-EL-BTX (*Certificate Case*), Opinion, Order, and Certificate (Aug. 16, 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 24 conditions.

{¶ 4} On August 2, 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 November 19, 2019, AEP Ohio Transco filed, with regard to the *First Amendment Application*, proof of compliance with the notice requirements set forth in Ohio Adm.Code 4906-3-11.

{¶ 6} Thereafter, on December 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 affected 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 begins by noting that construction has not yet begun on the project. Staff observes that the *First Amendment Application* amounts to a request by AEP Ohio Transco to make certain revisions to the preferred route which was approved by the Board in the *Certificate Case*, in order to: (1) provide appropriate clear distances between an existing 23 kV distribution line and the proposed line; (2) accommodate landowner preferences which came to light during final right-of-way negotiations; and (3) allow for engineering adjustments that, according to the Applicant, need to be made to the preferred approved route in order to avoid features not known at the time of the original approval. Staff states that Applicant has placed the revisions requested into two categories: engineering adjustments and rerouting outside of the existing right-of-way. (Staff Report at 2).

1. ENGINEERING ADJUSTMENTS.

{¶ 12} There are four proposed engineering adjustments, all four the result of the need to shift the approved route further away from an existing 23 kV distribution line at locations along the 10.1-mile long preferred route. Thus, one purpose of the adjustments is to ensure that the necessary distance is kept between the two lines, which will allow the distribution line to remain in active operation during the construction of the preferred route. The adjustments do not add distance or new structures to the approved project.

{¶ 13} The proposed engineering adjustments occur between structures 6-13, 15-17, 29-54, and 58-60. The structure location shifts range from 5 feet away to a maximum 39 feet away from the previously approved preferred centerline. All adjustments would occur within the existing right-of-way. No new property owners are affected by these adjustments.

2. REROUTING OUTSIDE THE EXISTING RIGHT-OF-WAY

{¶ 14} There are three instances of rerouting the approved preferred route outside of the exiting right-of-way.

- a. Reroute 1 involves moving structure locations 1 through 4 to properly align the entry of structure 1 with entrance to the appropriate station bay at the Devola Substation (approved in Case No. 18-0034-EL-BLN), which is presently under construction. The reroute shifts the centerline between 5 and 118 feet from the approved route. The Applicant states that there are no new significant environmental impacts, such as tree clearing or wetland impacts. No new properties are affected by this reroute.
- b. Reroute 2 involves moving structure locations 19 through 24 to avoid a distribution gas line that was not known at the time of the original application. Structure 22 is proposed to shift approximately 88 feet south of the approved route to avoid the pipeline. As a result of this shift, structures 19-21 and 23-24 also need to shift between 5 to 30 feet away from the approved route centerline in order to continue the routing in tangent with structure 22 to the southeast and southwest. The Applicant states that there are no new significant environmental impacts, such as tree clearing or wetland impacts. Two new properties are impacted by this reroute, and the Applicant states that all necessary easements have been secured for these new properties.
- c. Reroute 3 involves moving structure locations 25 through 29 between 5 and 69 feet from the approved centerline in order to provide appropriate clearance during construction between this line and an existing 23 kV line. The Applicant states that there are no new significant environmental impacts to wetlands or

streams, but that the reroute would result in additional 0.3 acres of tree clearing. No new properties are affected by this reroute.

3. CHARACTERISTICS OF THE PROJECT THAT ARE LEFT UNCHANGED BY THE PROPOSED CERTIFICATE AMENDMENT

{¶ 15} None of the changes proposed in the *First Amendment Application* are expected to affect significantly the impacts of the overall project already considered and approved by the Board in the *Certificate Case*. Specifically, Staff reports: (a) the type of transmission equipment would not change; (b) the proposed adjustments would not affect the project's economic impact; and (c) the need for the facility and grid impacts associated with the facility will remain the same as approved in the *Certificate Case*. (Staff Report at 2.)

4. SOCIAL IMPACTS

{¶ 16} None of the changes proposed in the *First Amendment Application* are expected to significantly alter existing land uses, including agricultural land, or to increase the estimated capital costs for the project. The adjustments are proposed in order to provide appropriate clear distance between the existing 23 kV line and the proposed line, and as a result of property owner preference and engineering adjustments to the approved proposed line. The Applicant has secured all new right-of-way needed to make the adjustments. With the proposed adjustments, the number of residential structures identified within 200 feet of the right-of-way would drop from 26 to 23. (Staff Report at 3.)

{¶ 17} The revised alignment sections have been studied for the presence of archaeological resources and historic impacts and no significant adverse impacts on cultural resources are expected. The State Historical Preservation Office concurs that the amended alignments would not be expected to impact cultural resources. (Staff Report at 3.)

{¶ 18} Staff finds that the purposes of the adjustments and reroutes to avoid features not known at the time of the original approval, to allow for landowner preferences, and to provide better separation and clearance from the existing 23 kV line during construction are

reasonable. The amended alignments would not significantly alter the percentage of agricultural or residential land being crossed. (Staff Report at 3, 4.)

5. SURFACE WATERS

{¶ 19} The approved route right-of-way contains 102 streams, including 33 perennial streams, 29 intermittent streams, and 40 ephemeral streams, totaling 13,413 linear feet of streams. The proposed adjustments would eliminate two intermittent and one ephemeral stream crossings. The proposed adjusted route would also add one new ephemeral stream crossing. The proposed adjusted route right-of-way contains 13,621 linear feet of streams. (Staff Report at 4.)

{¶ 20} The approved route right-of-way contains 14 wetlands, with 0.58 total acres of wetland within the right-of-way. The proposed adjusted route right-of-way contains 12 wetlands, totaling 0.4 miles. This does not include any new wetlands and would eliminate crossings of two previously crossed wetlands. The total acreage of wetlands within the right-of-way would remain approximately the same. All delineated wetlands are category 1 and category 2 wetlands. (Staff Report at 4.)

{¶ 21} Staff submits that adherence to the conditions of the original certificate, including 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 (Staff Report at 4).

6. THREATENED AND ENDANGERED SPECIES

{¶ 22} 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 the listed species. (Staff Report at 4.)

7. STAFF RECOMMENDATION, BASED ON ADHERENCE TO A STAFF-PROPOSED CONDITION

{¶ 23} Staff recommends that the Board adopt the following Staff-proposed condition on the Certificate, and approve the *First Amendment Application*, provided that

there is satisfaction with the following condition:

Condition: The Applicant shall continue to adhere to all conditions of the Opinion, Order, and Certificate for the Bell Ridge-Devola 138 kV rebuild project in Case No. 17-1907-EL-BTX, following the route as amended through the application in Case No. 19-1473-EL-BTA.

D. Board's Conclusion

{¶ 24} After considering the application and the Staff Report, the Board finds that the proposed change in the facility presented in the *First Amendment Application* does 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*, following the route as amended in the above-captioned case.

E. Findings of Fact and Conclusions of Law

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

{¶ 26} On August 2, 2019, AEP Ohio Transco filed an application seeking a first amendment to the certificate issued in the *Certificate Case*.

{¶ 27} On December 19, 2019, Staff filed its Report of Investigation containing its evaluation of the *First Amendment Application*.

{¶ 28} 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.

{¶ 29} 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*, following the route as amended in the above-captioned case.

III. ORDER

{¶ 30} It is, therefore,

{¶ 31} 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*, following the route as amended in the above-captioned case. It is, further,

{¶ 32} ORDERED, That a copy of this Order on 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

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Summary: Opinion & Order that the Ohio Power Siting Board grants the application filed by AEP Ohio Transmission Company, Inc. to amend its certificate electronically filed by Docketing Staff on behalf of Docketing