

# THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF  
AEP OHIO TRANSMISSION COMPANY,  
INC. FOR AN AMENDMENT TO THE  
GINGER SWITCH-VIGO 138 kV  
TRANSMISSION LINE REBUILD PROJECT.

CASE NO. 19-1866-EL-BTA

## ORDER ON CERTIFICATE

Entered into the Journal on April 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 November 15, 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) overhead transmission line (the Ginger Switch-Vigo 138 kV transmission line project) covering approximately seven miles through Springfield, Liberty, and Jefferson townships in Ross County, Ohio. *In re AEP Ohio Transmission Company, Inc.*, Case No. 17-638-EL-BTX (*Certificate Case*), Opinion, Order, and Certificate (Nov. 15, 2018). The Board granted AEP Ohio Transco's application in the *Certificate Case*, pursuant to a joint stipulation filed by AEP Ohio Transco and the Board's Staff (Staff), subject to 21 conditions.

{¶ 4} On October 28, 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 overall project's impacts.

{¶ 5} On November 1, 2020, AEP Ohio Transco filed proof of service of the *First Amendment Application*, pursuant to Ohio Adm.Code 4906-3-11(A)(2) and 4906-3-11(A)(3).

{¶ 6} Staff filed a report evaluating the *First Amendment Application* on February 14, 2020.

## **B. Applicable Law**

{¶ 7} R.C. 4906.04 provides that the Board's authority applies to major utility facilities and requires any proposed facility to be certified by the Board before the start of construction. 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.

{¶ 8} 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.

{¶ 9} 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 Board with proof of service of the *First Amendment Application*.

## **C. Summary of Staff Report**

{¶ 10} As an initial matter, Staff observes that construction has not yet begun on the Ginger Switch-Vigo 138 kV transmission line project (Staff Report at 2).

## 1. REASONS FOR THE PROPOSED REROUTE

{¶ 11} The *First Amendment Application* entails adjustments that are the result of final detailed engineering and property owner discussions for placement of structures. There are six segments of proposed engineering adjustments to the approved route, all within the existing right-of-way. The proposed engineering adjustments occur between structures 35-37, 43-47, 66-67, 72-77, 79-85, and at Structure 88. The structure location shifts range from five to a maximum 48 feet away from the approved preferred centerline. All engineering adjustments would occur within the 100-foot right-of-way of the approved alignment. (Staff Report at 2.)

## 2. SCOPE OF THE PROPOSED REROUTE

{¶ 12} Applicant is proposing a shift of Structure 35 approximately six feet south of the originally approved centerline, in order to avoid an access road for a farm field. This shift would allow large farming equipment to access the field without obstruction. In order to improve the functionality of a farm field, Structures 36 and 37 are being changed from guyed structures to custom dead-end structures with concrete foundations. These two structures are being shifted slightly to the south (within seven feet) in order to align with the shift to Structure 35 and to avoid terrain which would make the installation of the structures more difficult. Applicant indicates that all necessary easements for this section have been acquired. (Staff Report at 2.)

{¶ 13} Applicant is proposing a slight shift of Structure 42 along the centerline, and a shift of Structure 43 approximately six feet to the south of the approved centerline. Structures 46 and 47 would shift approximately seven feet to the north of the centerline. These shifts would allow the structures to avoid sloped terrain which would make the installation of the structures more difficult. Applicant indicates that all necessary easements for this section have been acquired. (Staff Report at 3.)

{¶ 14} Applicant is proposing a shift of Structure 66 approximately 48 feet to the northeast of the approved centerline, and of Structure 67 approximately 28 feet to the

southwest of the approved centerline. These shifts are the result of final surveying, which included more accurate boundaries of parcels. These shifts would serve to avoid impacts to additional property owners. Applicant indicates that right-of-way negotiations for this section are still occurring. (Staff Report at 3.)

{¶ 15} Applicant is proposing a shift of Structure 72 approximately 22 feet to the northeast of the approved centerline, and of Structure 74 through 77 between five and twelve feet west of the approved centerline. Applicant states that Structure 72 is proposed to be moved at the request of a landowner who is seeking better access for heavy farm equipment between Structure 72 and Hanna Lane. Structure 74 is proposed to be shifted based on a landowner's request to move this structure out of an agricultural field. This shift would prompt minor changes to the location of Structures 73, 75, 76, and 77 in order to maintain a tangent structure alignment. Applicant is proposing a shift of Structure 81 of approximately 25 feet to the east of the approved centerline in order to avoid unfavorable terrain at this location. This proposed shift would necessitate a six-foot shift to Structure 79, and a 19-foot shift to Structure 80, both to the east, in order to maintain tangent with Structure 81. Structures 83 through 85 are proposed by Applicant to be shifted between six to eleven feet to the west in order to provide a greater offset to an existing 69 kV line. While some of the easements for these sections have been acquired, Applicant indicates that right-of-way negotiations for this section are still occurring. (Staff Report at 3.)

{¶ 16} Applicant is proposing a shift of Structure 88 of approximately ten feet to the southeast of the approved centerline in order to allow the line to properly enter the Vigo Station at the correct bay location. This shift would also allow Applicant to remove Structure 89 at the substation entrance. Applicant indicates that all necessary easements for this section have been acquired. (Staff Report at 3.)

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

{¶ 17} Staff reports that the transmission line would remain at 138 kV as originally approved. Both the need for the facility, and grid impacts associated with the facility, as identified and approved in the *Certificate Case*, would also not be impacted by the proposed route changes. Nor are the changes proposed in the *First Amendment Application* expected to affect the overall project's economic impacts. (Staff Report at 2.)

### 4. SOCIAL IMPACTS

{¶ 18} In Staff's opinion, the proposed adjustments are not expected to significantly alter existing land uses, including agricultural land, or to increase the capital costs for the project. The involved adjustments are proposed in order to provide appropriate clear distance between the existing 69 kV line and this proposed line, and as a result property owner preference and engineering adjustments to the approved preferred route. With these adjustments, the number of residential structures identified within 51-100 feet of the right-of-way would drop from ten to eight. One additional property would be crossed by the right-of-way for these adjustments. Applicant has not yet secured all new right-of-way needed for these adjustments. (Staff Report at 3, 4.)

{¶ 19} The proposed alignment sections have been studied for the presence of archeological and historic impacts and no significant adverse impacts on cultural resources are expected. The State Historic Preservation Office concurs that the amended alignments would not be expected to impact cultural resources. (Staff Report at 4.)

{¶ 20} The proposed structure and alignment shifts, on average, would measure approximately 13 feet in distance from the centerline approved in the *Certificate Case*. Staff finds that the purposes of these adjustments and reroutes -- to align with final engineering and surveying of the line, landowner preferences, and to provide better separation and clearance from the existing 69 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 4.)

## 5. SURFACE WATERS

{¶ 21} The route adjustments would not cross additional streams or wetlands and would not result in increased impacts to surface water resources. Adherence to the conditions of the original certificate as well as implementation of the storm water pollution prevention plan would minimize impacts to surface water resources that could occur as a result of the proposed adjustments. (Staff Report at 4.)

## 6. THREATENED AND ENDANGERED SPECIES

{¶ 22} According to Staff, the proposed adjustments would not result in increased impacts to listed wildlife species. Adherence to the conditions of the original certificate would minimize impacts to listed species. (Staff Report at 4.)

## 7. STAFF RECOMMENDATION

{¶ 23} Staff recommends approval of this amendment provided that the following Staff-proposed condition is satisfied. Staff notes that its recommendation for approval of this amendment should not be construed as a recommendation for approval of cost recovery in any ratemaking proceeding. (Staff Report at 4.)

## 8. STAFF-PROPOSED CONDITION

{¶ 24} In the above captioned case, while Staff recommends that the Board approve the certificate amendment proposed, it recommends that such approval should be made subject to the following new condition:

The applicant shall continue to adhere to all conditions of the Opinion, Order, and Certificate issued in the *Certificate Case*, following the route as amended as through this application.

(Staff Report at 4.)

{¶ 25} Thus, upon its review, overall, Staff recommends that the Board approve the proposed 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*, over the route as amended Staff in the above-captioned case (Staff Report at 4).

**D. Board's Conclusion**

{¶ 26} After considering the application and the Staff Report, the Board finds that the route changes proposed 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 *First Amendment Application* is not necessary under the circumstances presented in this case. Further, the Board finds that the proposed changes 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 *First Amendment Application* should be approved, subject to the conditions set forth in the Opinion, Order, and Certificate in the *Certificate Case*, as well as the additional condition Staff recommended in its report in the above-captioned case.

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

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

{¶ 28} On October 28, 2019, AEP Ohio Transco filed an application seeking a first amendment to the certificate issued in the *Certificate Case*.

{¶ 29} On February 14, 2020, Staff filed its Report of Investigation containing its evaluation of the *First Amendment Application*.

{¶ 30} 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.

{¶ 31} Based on the record, and in accordance with R.C. Chapter 4906, the *First Amendment Application* 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

{¶ 32} It is, therefore,

{¶ 33} ORDERED, That, in accordance with the above findings, 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*, as well as the additional condition Staff recommended in its report in the *First Amendment Application* case, following the route as amended in the above-captioned case. It is, further,



{¶ 34} 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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**Case No(s). 19-1866-EL-BTA**

Summary: Entry AEP Ohio Transco's First Amendment Application is approved, subject to the conditions set forth in the opinion & Order Certificate and additional conditions Staff recommended in their report. electronically filed by Kelli C King on behalf of Ohio Power Siting Board