

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Letter of Notification Application
of AEP Ohio Transmission Company, Inc. for the North
Newark-Sharp Road 138-kV Transmission Line
Rebuild Project**)
) **Case No. 21-0525-EL-BLN**
)

Members of the Board:

Chair, Public Utilities Commission	Ohio House of Representatives
Director, Development Services Agency	Ohio Senate
Director, Department of Health	
Director, Department of Agriculture	
Director, Environmental Protection Agency	
Director, Department of Natural Resources	
Public Member	

To the Honorable Power Siting Board:

Please review the attached Staff Report of Investigation, which has been filed in accordance with Ohio Power Siting Board (Board) rules. The accelerated certificate application in this case is subject to an automatic approval process as required by Ohio Revised Code (R.C.) 4906.03 and Ohio Administrative Code (Ohio Adm. Code) 4906-6.

Staff recommends the application for automatic approval August 13, 2021, unless suspended by the Board, an administrative law judge, or the chairperson or executive director of the Board for good cause shown. If suspended, the Board must render a decision on the application within 90 days from the date of suspension.

Please present any concerns you or your designee may have with this case to my office at least four business days prior to August 13, 2021, which is the recommended automatic approval date.

Please present any concerns you or your designee may have with this case to my office.

Sincerely,



Theresa White
Executive Director
Ohio Power Siting Board

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 21-0525-EL-BLN
Project Name: North Newark-Sharp Road 138-kV Transmission Line Rebuild Project
Project Location: Knox County and Licking County
Applicant: AEP Ohio Transmission Company, Inc.
Application Filing Date: May 14, 2021
Filing Type: Letter of Notification
Inspection Date: July 13 and 21, 2021
Report Date: August 6, 2021
Recommended Automatic Approval Date: August 13, 2021
Applicant's Waiver Requests: None
Staff Assigned: T. Crawford, J. Pawley, R. Holderbaum

Summary of Staff Recommendations (see discussion below):

Application: ☐ Approval ☐ Disapproval ☒ Approval with Conditions

Waiver: ☐ Approval ☐ Disapproval ☒ Not Applicable

Project Description and Need

AEP Ohio Transmission Company, Inc (AEP Ohio Transco or Applicant) proposes to rebuild and upgrade approximately 19.39 miles of the existing North Newark-Sharp Road 138-kV Transmission Line which runs between the North Newark Substation and the Sharp Road Substation. The project would also replace the majority of structures with structures of the same style or design, but the lattice structures would be replaced with deadend monopole structures. Custom monopoles have a smaller footprint than lattice towers, making them less invasive to land owners. The existing conductor is defined as 477-26/7 ACSR and the replacement conductor will be the lower resistance, higher capacity 1033.5-54/7 ACSR.

The Applicant states that the project is needed for replacement of the line due to existing conditions of the line assets. The conditions which warrant the replacement of structures include split poles, rotted portions of the poles, broken and burnt insulators, defective braces and crossarms, damage from insects and woodpeckers. The increased load and the anticipated load growth in the New Albany area also supports the need for the rebuild project. The Applicant claims that portions of the 69-kV lines between the North Newark and Utica Stations would overload under certain conditions, if the existing 138-kV line were removed from service and there were a breaker failure contingency at the Academia Station.

The project is located in Clinton Township and Miller Township in Knox County and Burlington Township, Newton Township, McKean Township, and Newark Township in Licking County.

Upgrades to the transmission system are part of PJM Interconnection, LLC's (PJM) Regional Transmission Expansion Planning (RTEP) process.¹ The need and solution for this project were presented and reviewed with stakeholders at the PJM Subregional RTEP Western meetings of July 24, 2019 and February 21, 2020, respectively. The project was assigned the supplemental ID s2186.² Supplemental projects or upgrades refer to transmission expansions or enhancements not needed to comply with PJM reliability, operational performance, FERC Form No. 715 criteria, economic planning, and public policy planning (State Agreement Approach).³

The proposed project was included in form FE-T9 in the Applicant's 2021 Long-Term Forecast Report to the Public Utilities Commission of Ohio, filed in Case No. 21-1501-EL-FOR.⁴

The Applicant expects construction of the project to begin September 13, 2021 with an in-service date planned for April 25, 2024. The capital cost of the rebuild project is estimated to be approximately \$42,300,000.⁵

Nature of Impacts

Land Use

Existing land use in the vicinity of the project consists of agricultural land use, open field/undeveloped land, scattered residential and agricultural structures, pasture, maintained lawns, some industrial land uses, and woodlots. There are 64 occupied residences and 18 multi-family dwelling located within 100 feet of the project centerline. There are no parks, schools, cemeteries, wildlife management areas or nature preserves located within 100 feet of the project. The predominant land use along the project is agricultural use, and there are seven landowner parcels enrolled in the Agricultural District program in Knox County, and three landowner parcels enrolled in the Agricultural District program in Licking County.

The project is a rebuild of an existing transmission line, which will be located predominately along the centerline of the existing line, so the majority of easements necessary for the project are already in place. The Applicant indicates that there are some supplemental easements that still need to be obtained for the project. Staff finds that because of the nature of the project as a rebuild

¹ PJM is the regional transmission organization charged with planning for upgrades to the regional transmission system in Ohio. Significant alterations to the transmission system located in the PJM control area are required to submit planned projects for review of system impacts.

² <https://www.pjm.com/-/media/committees-groups/committees/teac/2020/20201104/20201104-teac-info-only-aep-local-plan-submission-of-the-supplemental-projects-for-2020-rtep.ashx> (Accessed May 26, 2021)

³ PJM Manual 14B: PJM Region Transmission Planning Process, Revision 48, Effective Date: October 1, 2020.

⁴ AEP Ohio Power Company, Inc. "Long-Term Electric Forecast Report", Public Utilities Commission of Ohio Case No. 21-1501-EL-FOR, April 14, 2021, page 66.

⁵ The Applicant indicates that the cost of the rebuild project is a Class 4 estimate, and will be projected to be transmission plant, and pursuant to the PJM Open Access Transmission Tariff, the cost will be recovered in the Applicant's FERC formula rate (Attachment H-20), and would be allocated to the AEP Zone.

predominately along existing centerline, impacts will be mostly limited to access of the project for purposes of construction. As such, a preconstruction conference is recommended for the Applicant to update Staff on final access plans and status of any remaining easements necessary for construction and operation of the rebuilt line.

Cultural Resources

The Applicant's cultural resources consultant performed a literature review and Phase I cultural resource management investigation (archaeology and history/architecture) for the project. The consultant determined that the project would neither involve nor impact any significant cultural resources or landmarks, and that no further cultural resource management work was considered to be necessary. The findings were submitted to the Ohio Historic Preservation Office (OHPO). The OHPO responded to the consultant in concurrence that this project is not anticipated to affect historic properties. Staff agrees with this conclusion.

Surface Waters

The Applicant identified 41 streams within the route's survey corridor: 12 perennial streams, 24 intermittent stream, and five ephemeral streams. No in-water work in perennial streams is planned for this project. Minimal temporary impacts from timber matting are anticipated where necessary from access roads and work pads. No permanent structures will be installed within stream boundaries.

The Applicant identified 26 wetlands within the proposed route's survey corridor totaling 6.14 acres. All delineated wetlands were Category 1 and Category 2 wetlands.⁶ Sixteen Category 1 wetlands were delineated, and ten Category 2 wetlands were delineated. Two existing structures will be removed from wetlands. No permanent impacts are anticipated to wetlands; minimal temporary impacts from timber matting are anticipated where necessary from access roads and work pads. If at any time permanent impacts to wetlands are anticipated, Staff recommends that the applicant submit for coverage through the U.S. Army Corps of Engineers Nationwide Permit 12 under Section 404 of the Clean Water Act.

The Applicant would submit a Notice of Intent for coverage under the Ohio Environmental Protection Agency (Ohio EPA) National Pollutant Discharge Elimination System General Permit. Staff does not anticipate issues with the Applicant's procurement of this permit. As part of this permit, erosion control measures including silt fencing and other best management practices would be used where appropriate to minimize runoff impacts to nearby streams. The project would overlap 100-year floodplain areas in the Licking County portion of the project. Seven structures will be replaced within the floodplain. The Applicant will be required to obtain a floodplain permit from the Licking County Floodplain Administrator prior to starting construction in the floodplain.

Threatened and Endangered Species

One of the missions of the Ohio Department of Natural Resources (ODNR) is to "conserve and improve the fish and wildlife resources and their habitats and promote their use and appreciation by the public so that these resources continue to enhance the quality of life for all Ohioans." In carrying out this mission, the ODNR considers the "status of native wildlife species [to be] very

6. Wetlands falling within the purview of the Clean Water Act are regulated within Ohio by R.C. 6111, et seq. and Ohio Adm.Code 3745-1-50, et seq. Ohio Adm.Code 3745-1-54 establishes wetland categories.

important” and therefore lists wildlife species needing protection.⁷ In addition to endangered species, those species classified as “threatened” are considered during OPSB project planning and approval because these species are those “whose survival in Ohio is not in immediate jeopardy, but to which a threat exists. Continued or increased stress will result in it becoming endangered.”⁸

Tree clearing would be required for this project. The project area is within the range of state and federally endangered Indiana bat (*Myotis sodalis*), the federally threatened northern long-eared bat (*Myotis septentrionalis*), the state endangered little brown bat (*Myotis lucifugus*), and the state endangered tricolored bat (*Perimyotis subflavus*). As tree roosting species in the summer months, the habitat of these species would be impacted by the project. In order to avoid impacts to these listed bat species, the ODNR and the U.S. Fish and Wildlife Service (USFWS) recommend seasonal tree cutting dates of October 1 through March 31 for all trees that are three inches or greater in diameter. The Applicant has committed to following these seasonal tree clearing guidelines.

During the winter months, bats hibernate in caves and abandoned mines, also known as hibernacula. The proposed project is not expected to impact any bat hibernacula.

The project lies within the range of several listed fish and mussel species. However, no in-water work is proposed in perennial streams for this project, and impacts to these species are not anticipated.

The project lies within the range of the state endangered and federal species of concern eastern hellbender (*Cryptobranchus alleganiensis alleganiensis*). Due to the location of the project, no impacts to this species are anticipated.

Conclusion

Staff’s review of the application included consideration of the requirements listed in R.C. 4906.10. Based on Staff’s review, the application meets the necessary criteria for granting a certificate. Staff recommends approval of this application on August 13, 2021 subject to the following conditions. Staff notes that its recommendation for approval of this application should not be construed as a recommendation for approval of cost recovery in any ratemaking proceeding.

Conditions

- (1) The certificate authority provided in this case shall not exempt the facility from any other applicable and lawful local, state, or federal rules or regulations nor be used to affect the exercise of discretion of any other local, state, or federal permitting or licensing authority with regard to areas subject to their supervision or control.
- (2) Prior to the commencement of construction activities in areas that require permits or authorizations by federal or state laws and regulations, the Applicant shall obtain and comply with such permits or authorizations. The Applicant shall provide copies of permits

7. Ohio Department of Natural Resources, Division of Wildlife, “Ohio’s Listed Species,” Publication 5356 (R0520), <https://ohiodnr.gov/static/documents/wildlife/state-listed-species/Ohio's%20Listed%20Species%20pub356.pdf>, accessed June 3, 2021.

8. Id.

and authorizations, including all supporting documentation, on the case docket prior to commencement of construction.

- (3) The Applicant shall adhere to seasonal cutting dates of October 1 through March 31 for removal of any trees greater than or equal to three inches in diameter unless coordination efforts with the ODNR and the USFWS allows a different course of action. If coordination with these agencies allows clearing between April 1 and September 30, the Applicant shall docket proof of completed coordination on the case docket prior to clearing trees.
- (4) The Applicant shall obtain the required floodplain permit from the Licking County Floodplain Administrator prior to the start of construction in the floodplain.
- (5) The Applicant shall hold a preconstruction meeting, which Staff shall attend, to discuss plans for construction, access and tree clearing, and to update the easement acquisition status, prior to the commencement of construction.

This foregoing document was electronically filed with the Public Utilities

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8/6/2021 3:51:20 PM

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Case No(s). 21-0525-EL-BLN

Summary: Staff Report of Investigation electronically filed by Mr. Jason Cross on behalf of Staff of OPSB