

BEFORE

OHIO POWER SITING BOARD

In the Matter of the Application of Columbus )  
Southern Power Company and Ohio Power )  
Company for a Certificate of Environmental ) Case No. 06-309-EL-BTX  
Compatibility and Public Need to Construct )  
a 345-Kilovolt Transmission Line Loop for )  
the Great Bend Integrated Gasification )  
Combined Cycle Facility. )

ENTRY

The Administrative Law Judge finds:

- (1) On April 11, 2006, as amended on July 25, 2006, Columbus Southern Power Company and Ohio Power Company (jointly AEP-Ohio or Companies) filed a request for waiver of certain requirements<sup>1</sup> applicable to an application to be filed for a certificate of environmental compatibility and public need to construct a 345-kilovolt (kV) transmission line loop to and from an existing 345-kV line located approximately 10 miles northwest of a power plant proposed to be constructed in Meigs County, Ohio (Great Bend line project).<sup>2</sup>
- (2) AEP-Ohio requests a waiver from Rule 4906-5-04(A), Ohio Administrative Code (O.A.C.), to the extent that the rule requires: (a) fully developed information on an alternate and a preferred route be filed; and (b) the alternate and preferred route share not more than 20 percent of their respective routes in common.
- (3) AEP-Ohio states that the company has conducted a comprehensive route selection study incorporating information on the topography, wetlands, natural resources, agricultural and environmental composition of the area. AEP-Ohio asserts

<sup>1</sup> AEP-Ohio initially requested a waiver from Section 4906.06(A)(6), Revised Code, to the extent that the section requires that the application be filed not less than one year nor more than five years prior to the planned commencement of construction. AEP-Ohio subsequently withdrew that aspect of its waiver request.

<sup>2</sup> Currently pending before the Board is Case No. 06-30-EL-BGN, *In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company for a Certificate of Environmental Compatibility and Public Need to Construct an Integrated Gasification Combined Cycle Generation Facility in Meigs County, Ohio*.

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that the detailed results produced from the data collected regarding the preferred route is not likely to differ significantly for the alternate route. Further, as discussed in greater detail below, the preferred route and the alternate route share a significant portion of their routes in common. Therefore, AEP-Ohio asserts that performing all the required studies for the alternate route would cause the Companies to incur unnecessary expense and added time, and burden the property owners, as AEP-Ohio would need to contact affected property owners for permission to access the properties. Thus, AEP-Ohio requests that Rule 4906-5-04(A), O.A.C., be waived to the extent that the rule requires fully developed information be filed on the alternate route.

- (4) Upon review of the waiver request, the Administrative Law Judge concludes that AEP-Ohio's request for a waiver of the requirement to file fully developed information on an alternate route for this project is reasonable and should be granted.
- (5) AEP-Ohio also requests a waiver from the requirement that the alternate and preferred routes share not more than 20 percent of their respective routes in common.
- (6) AEP-Ohio plans to utilize lattice tower construction for the majority of the proposed transmission line loop, placing the towers on ridge tops and hilltops. The Companies contend that the geographical location of the proposed plant site is on a narrow peninsula and the terrain of the land between the existing line and the proposed plant site, and the land use constraints, significantly limit the route location options. AEP-Ohio plans to construct the new transmission lines in different, non-adjacent corridors to limit the proposed plant's susceptibility to natural disasters and other circumstances that may interrupt the distribution of generated electricity. The Companies prefer that the routes for the loop be greater than one mile apart.

AEP-Ohio explains that an existing 69-kV line corridor was considered, but determined to be unfeasible due to the location of the landfill for the proposed plant. AEP-Ohio asserts that there are no existing compatible utility or railway easements in the area that could support the transmission line loop and the Companies believe that utilizing the road corridor would

negatively impact the surrounding community. Further, based on the route selection study conducted, considering the location of the proposed plant, ecological impacts, sensitive land uses, cultural land uses and engineering requirements, the Companies determined there were four feasible routes for the northern transmission line and three feasible routes for the southern transmission line. Of the routes that meet the criteria, AEP-Ohio states that the two best routes for the southern portion and the two best routes for the northern portion of the transmission line loop, share more than 20 percent of their route in common. The Companies state that the overlap for the entire transmission line loop is 59.1 percent between the preferred route and the alternate route.

- (7) The Administrative Law Judge finds that AEP-Ohio has presented adequate reason to waive the requirement that the preferred and the alternate route not share more than 20 percent of their respective routes in common. Accordingly, the Companies' request for a waiver of such requirement is granted.
  - (8) The Administrative Law Judge wishes to clarify that, although AEP-Ohio's request for waivers from the above-specified filing requirements is being granted in this entry, this waiver ruling does not preclude the Board Staff from requesting the waived information during its review or through discovery in this proceeding.
  - (9) On April 17, 2006, the Industrial Energy Users-Ohio (IEU) filed a motion to intervene in this proceeding. IEU states that it is an association of members who purchase substantial quantities of electricity and related services from AEP-Ohio. IEU argues that its members have an interest in the price, reliability and availability of energy available in the AEP-Ohio service territory. IEU states that, in Case No. 05-376-EL-UNC, *In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company for Authority to Recover Costs Associated with the Construction and Ultimate Operation of an Integrated Gasification Combined Cycle Electric Generating Facility* (05-376), (Opinion and Order issued April 10, 2006 and Entry on Rehearing issued June 28, 2006), the Commission directed AEP-Ohio to provide additional information as to its choice of technology for the proposed generation facility, sources of
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funding and/or tax incentives and the benefits of the proposed facility for Ohio's consumers, among other things. IEU, therefore, reasons that the Board must make a determination regarding the need for the proposed transmission line and on the issues listed in the Commission's order in 05-376. IEU-Ohio asserts that its intervener status in AEP-Ohio's rate stabilization plan (RSP) proceeding<sup>3</sup> and 05-376 afford IEU a direct and substantial interest in this line certificate case.

- (10) On May 2, 2006, AEP-Ohio filed a memoranda contra the motion to intervene. AEP-Ohio argues that IEU's restatement of its position in 05-376 or its participation in the RSP case does not translate into good cause for intervention in this proceeding. AEP-Ohio contends that this Board's review involves the environmental and land use impacts associated with the physical siting of the transmission lines. According to AEP-Ohio, IEU has not expressed any concerns as to the environmental impacts of the proposed line but only an interest in the economic issues. Thus, AEP-Ohio requests that IEU's motion for intervention be denied.
- (11) The Administrative Law Judge finds that cause to grant IEU's motion to intervene in this Board proceeding has not been demonstrated. As IEU acknowledges in its motion, its members are affected by and, therefore, have an interest in the price and reliability of AEP-Ohio's electric service. Thus, the nature and extent of IEU's interest in this application is primarily as customers of AEP-Ohio. The purpose of this Board proceeding is to evaluate the likely environmental effects of the construction, operation and maintenance of the proposed transmission lines on the nearby community and the electric grid. IEU's interest is more than adequately addressed in the 05-376 Commission proceeding. IEU has not demonstrated a vested interest in the environmental impact decisions to be considered in this Board proceeding. See accord, *In the Matter of the Application of The Cincinnati Gas & Electric Company for a Certificate: Woodsdale Generating Station*, Case No. 88-1447-EL-BGN, Entry on Interlocutory Appeal (September 8, 1989). Therefore, the Administrative Law Judge finds that cause to

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<sup>3</sup> Case No. 04-169-EL-UNC, *In the Matter of the Application of Columbus Southern Power Company and Ohio Power Company for Approval of a Post-Market Development Period Rate Stabilization Plan*.

grant IEU's motions to intervene has not been demonstrated and, therefore, the request for intervention should be denied.

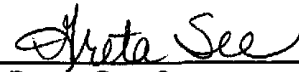
It is, therefore,

ORDERED, That AEP-Ohio's motion for waiver of Rule 4906-5-04(A), O.A.C., to the extent that the rule requires: (1) the filing of fully developed information on an alternate and a preferred route, and (2) that the alternate and preferred routes share not more than 20 percent of their respective routes in common, is granted. It is, further,

ORDERED, That the motion to intervene filed by IEU is denied. It is, further,

ORDERED, That a copy of this entry be served upon AEP-Ohio and its counsel, and all other interested persons of record in this case.

THE OHIO POWER SITING BOARD




By: Greta See  
Administrative Law Judge

/vrm 

Entered in the Journal

AUG 11 2008



Renee J. Jenkins  
Secretary