

BEFORE THE OHIO POWER SITING BOARD

In Re: OPSB Cases No. 21-0972-EL BLN
21-0973-EL-BLN


Letter of Notification applications submitted by
AES Ohio for the Dayton Power and Light West
Milton-Airport 138kV and Dayton Power and
Light Airport-Miami 138kV expansions

INITIAL COMMENTS OF
BOARD OF MONROE TOWNSHIP TRUSTEES, MIAMI COUNTY, OHIO

Now comes the Board of Monroe Township Trustees, Miami County, Ohio (the "Monroe Township Trustees"), by and through the undersigned counsel, hereby offers the enclosed letter and the previously filed "Petition/Notice of Intervention" as the Board's "Initial Comments" in these proceedings.

Respectfully submitted,

Honorable Anthony E. Kendell (0067242)
Miami County Prosecuting Attorney

By: 
Christopher L. Engler (0063829)
Chief Assistant Prosecuting Attorney
201 West Main Street
Troy, Ohio 45373
Tel: 937-440-5967
Fax: 937-440-5961
E-mail: cengler@miamicountyohio.gov

CERTIFICATE OF SERVICE

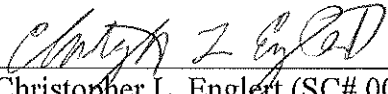
The undersigned hereby certifies that a copy of the foregoing documents were served via email and/or via regular mail to the counsel of record and/or other indicated parties indicated below this March 4, 2022.

Randall V. Griffin, Dayton Power and Light Company, DBA AES Ohio Chief Regional Counsel,
1065 Woodman Drive, Dayton, Ohio 45432

Ben Wilson, Buckeye Power, 6677 Busch Blvd., Columbus, Ohio (bwilson@ohioec.org);

Sarah Howdeshelt, AES Ohio 1065 Woodman Drive, Dayton, Ohio 45432
(sarah.howdeshelt@aes.com)

Robert Dove, Kegler Brown Hill Ritter Co. LPA, 65 East State Street, Suite 1800, Columbus,
Ohio 43215-4295 (RDOVE@KEGLERBROWN.COM), counsel for Mr. & Mrs. Davis



Christopher L. Englert (SC# 00063829)
Chief Civil Assistant Prosecutor
Miami County Prosecuting Attorney's Office

OFFICE OF THE BOARD
TRUSTEES OF MONROE TOWNSHIP
4 EAST MAIN STREET, TIPP CITY, OHIO 45371

MONROE TOWNSHIP TRUSTEES
PHILIP G. COX
MARTIN E. ENGLISH
GREGORY L. SIEFRING



MONROE TOWNSHIP FISCAL OFFICER
L. ANTHONY BECKER
MONROE TOWNSHIP OFFICE
phone: 937.667.3136
email: info@monroetwpohio.com

Date: December 9, 2021

Public Utilities Commission Ohio
Docketing Division
180 East Broad Street
Columbus, Ohio 43215-3793

Re: Ohio Power Siting Board Cases No. 21-0972-EL BLN and 21-0973-EL-BLN assigned to the Letter of Notification applications submitted by AES Ohio for the Dayton Power and Light West Milton-Airport 138kV and Dayton Power and Light Airport-Miami 138kV expansions respectively

Notice of Intervention – Basis: AES Ohio Failed to Follow Ohio Revised Code 4906.10(A)(3)

On the basis that the proposed construction/routes are located within Monroe Township of Miami County, this letter serves as notice of intent to intervene in the case proceedings by the Monroe Township Board of Trustees. Intervention is sought on the grounds that AES Ohio did not exercise due diligence, regarding Ohio Revised Code 4906.06(A)(4), in the selection of the proposed locations. Additionally, AES Ohio failed to provide adequate justification, according to Ohio Revised Code 4906.10(A)(3), that the proposed facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives.

Improper Division of Project Into Two Separate Applications

AES Ohio has split this one large project into two separate projects. By doing this, it allowed a Letter of Notice Application Process vs. a Standard Application Process. As required by Ohio Administrative Code 4906-1-01, Appendix A, a project with lines over two miles in length require a Standard Application Process. See Attachment 1.

AES Ohio Preferred Route – Affects over 70 Residential Properties

On 06/17/2021 AES Ohio purchased 81.928 acres of Agriculturally Zoned Farmland for \$3,505,972.00 (approximately \$43,000 per acre). This "Substation Parcel", part of which is in a documented flood plain including a live stream, is noted on Attachment 2. Attachment 2 also delineates current transmission lines, the proposed substation location, and preferred routes for the new transmission lines. Note that over 70 residential properties are located within 200 feet from the preferred route centerline. These residents are distraught over potential adverse health, emotional, and financial effects, should the approval of the proposed locations be granted. As provided on Attachment 3, several sources were cited by a resident spokesperson as to the potential negative effects of high voltage transmission lines to those living near these lines.

Viable Alternate Route

The Board of Trustees was made aware of preliminary discussions between AES Ohio and the City of Dayton regarding the potential sale of "City of Dayton" property to AES Ohio with the intent it would serve in the same capacity as the parcels identified in their Letter of Notice applications cited above. This property is also noted on Attachment 2 (in yellow). These discussions began around 4/26/20. Attachment 4 serves as evidence of AES Ohio's pursuit of the property and the City of Dayton's willingness to sell or lease. In recent discussions with the City of Dayton, this property is still available. The "City of Dayton" property is a viable "alternate route" for the proposed substation and connecting transmission lines. The Monroe Township Board of Trustees is in favor of the alternate route. Instead of impacting a potential of 70 residential properties, a buried line from the current transmission line to the City of Dayton property would impact only 1 to 3 properties. Those few residents potentially impacted would be as much as 1000 feet distance from the alternate route centerline.

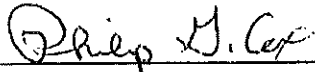
For undisclosed reasons, AES Ohio chose not to consider the "City of Dayton" property and subsequently purchased the previously mentioned "Substation Parcel" despite the high cost per acre and impact on a substantially higher number of residents. This rationale is not logical, unless AES Ohio had a financial incentive. It is possible that AES Ohio made a business decision that would put more value on financial gain over the welfare of the community it is being entrusted to serve.

We understand that AES Ohio has a need to expand its electric power grid and that the residents and businesses of the surrounding area will benefit from the reliable power this expansion will generate. However, this expansion should not be at the expense of the physical and emotional health and well-being of our constituents. We believe that a better alternate route is available to achieve the same common goal.

We are against the current application as presented, and reiterate our intent to intervene in the Ohio Power Siting Board Cases No. 21-0972-EL BLN and 21-0973-EL-BLN.

Thank you for your consideration.

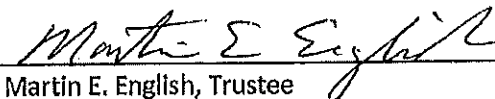
Monroe Township Board of Trustees



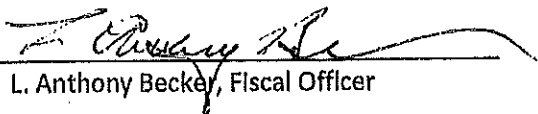
Phillip G. Cox, Chair



Gregory L. Siefring, Trustee



Martin E. English, Trustee

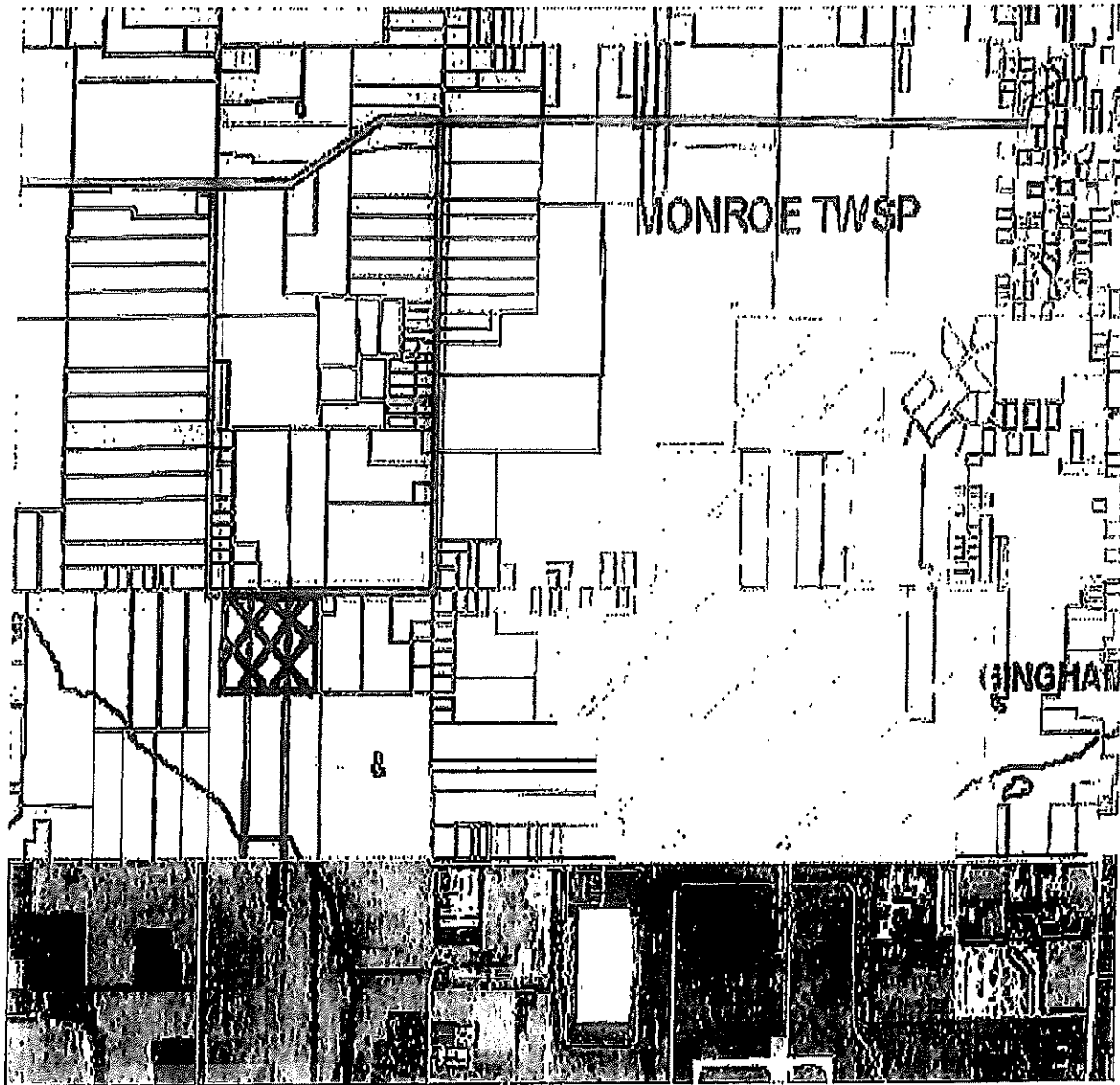


L. Anthony Beckey, Fiscal Officer

Date: December 9, 2021

Attachment #1

Improper Division of Project into Two Separate Applications



Red Current Transmission Lines

Orange Proposed 138kV line – Application Case Number 21-0972-EL-BLN

-Bard Road to Ginghamburg-Frederick Road to Substation – Distance = 1 mile

Green Proposed 138kV line – Application Case Number 21-0973-EL-BLN.– Peters Road

-Peters Road to Ginghamburg-Frederick Road to Substation – Distance = 1.2 mile

Black Proposed Substation

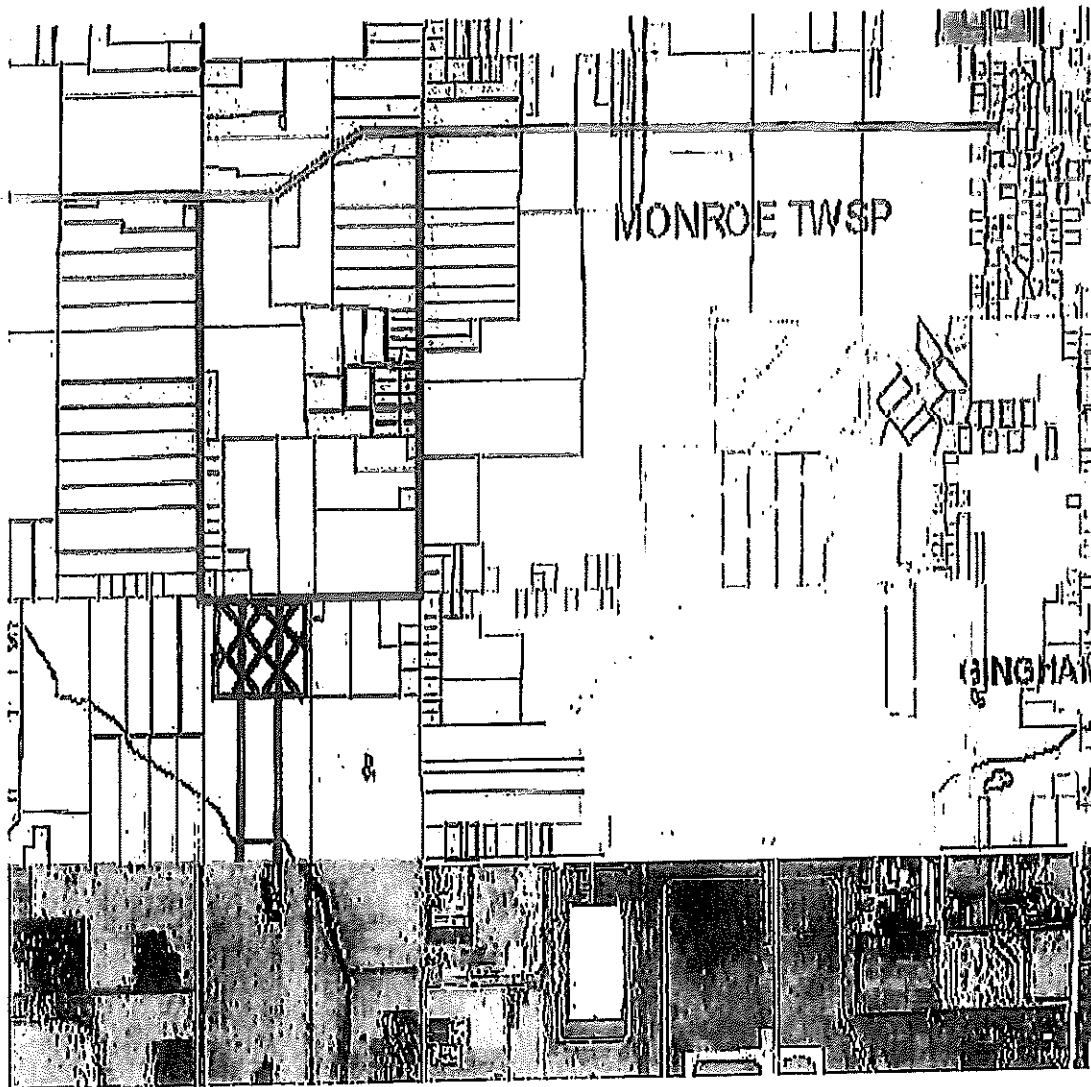
Total Aggregate Length = 1 mile + 1.2 mile = **2.2 miles**

4906-1-01 APPENDIX A

APPLICATION REQUIREMENT MATRIX FOR ELECTRIC POWER TRANSMISSION LINES

<u>Description of the Proposed Electric Power Transmission Line and Associated Facilities</u>	<u>Standard Application (BTX or BTA)* Required</u>	<u>Letter of Notification Application (BLN) Required</u>	<u>Construction Notice Application (BNR) Required</u>
	4906-5	4906-6-05	4906-6-05
<u>(1) New construction, extension, or relocation of single or multiple circuit electric power transmission line(s), or upgrading existing transmission or distribution line(s) for operation at a higher transmission voltage, as follows:</u>			
<u>(a) Line(s) not greater than 0.2 miles in length.</u>			X
<u>(b) Line(s) greater than 0.2 miles in length but not greater than two miles in length.</u>		X	
<u>(c) Line(s) greater than two miles in length.</u>	X		
<u>(d) Line(s) primarily needed to attract or meet the requirements of a specific customer or customers, as follows:</u>			
<u>(i) The line is completely on property owned by the specific customer or the applicant.</u>			X
<u>(ii) Any portion of the line is on property owned by someone other than the specific customer or applicant.</u>		X	

Attachment #2



Red=Current transmission lines

Blue=Transmission line routes

Black=Estimated area of two substations

Yellow=Property owned by Dayton

- o AES and Pioneer plan will impact over 70 properties (~31 Bard, ~43 Peters)
- o A buried line from current transmission line to Dayton's property would impact 1 to 3 properties.

Attachment #3

Greg Slefring

From: Ray Davls <rayandangle@msn.com>
Sent: Tuesday, November 16, 2021 8:38 AM
To: Phillip G. Cox; Greg Slefring; Martin English
Subject: Fw: AES/Pioneer Transmission Lines and Stations / Requested follow-up on OPSB

Morning Gentlemen,

As per your request here's the information I referenced last night:

University of Bristol: Does our electricity distribution system pose a serious risk to public health?

Please note that I changed meters to feet.

<https://europepmc.org/article/MED/12160679>

Does our electricity distribution system pose a serious risk to public health? - Abstract - Europe PMC

Microwave News, vol. XX, no. 5, September/October 2000, ISSN 0275-6595, PO Box 1799, Grand Central Station, New York, NY 10163

europepmc.org

Harran University: The Journal of Science and Medicine from 2016

Interaction of Electromagnetic Field-Biological System and Three Important Diseases: Cancer, Diabet and Cardiac Diseases

<https://www.jsimedcentral.com/Anatomy/anatomy-1-1001.pdf>

Editorial Interaction of Electromagnetic Field – Biological System and

etr. Inln celln In n Access Sert (2016) Email: JSM Anat Physiol 1(1): 1001 (2016) 2/2. According to Savitz's findings, deaths are possible as a

www.jsimedcentral.com

<http://www.bruce1.me/Fact.25-1.pdf>

Information sheet put out by RETA: Responsible Electricity Transmission for Albertans

Power Lines – Myths vs. Facts FACT SHEET MELATONIN AND 25 HIGH VOLTAGE POWER LINES

Power Lines – Myths vs. Facts | Melatonin is a hormone produced primarily in the pineal gland of the brain at night and is one of the body's most powerful natural defenses against can-

www.brucej.me

Lincoln University: Evidence that electromagnetic fields from high voltage powerlines and in buildings, are hazardous to human health, especially to young children

Dr. Neil Cherry

<https://protectpro.net/wp-content/uploads/2020/07/Dr-Neil-Cherry-EMF-and-children-2001-2002-webloc.pdf>

Evidence that Electromagnetic fields from high voltage powerlines and in buildings, are hazardous to human health, especially to young children -
Protect Pro

Evidence that Electromagnetic fields from high voltage powerlines and in buildings, are hazardous to human health, especially to young children

protectpro.net

Thanks for your efforts.

All the best,

Ray

Attachment #4

Greg Siefring

From: Mike Cross
Sent: Sunday, April 26, 2020 8:05 PM
To: Suzanne Beck; Gilbert Turner
Subject: DP&L Substation Sites
Attachments: NRTH-LIGHTNER-PT77 EXHB-OPT4.pdf; NRTH-LIGHTNER-PT77 EXHB-OPT2.pdf; NRTH-LIGHTNER-PT77 EXHB-OPT3.pdf; NRTH-LIGHTNER-PT77 EXHB-OPT1.pdf; West-Jackson Rd - PT77 EXHB-OPT5.pdf; West-Jackson Rd - PT77 EXHB-OPT6.pdf

Suzanne and Gil,

DP&L would like to build a new substation near the airport, preferably north of Lightner Road. The substation would be approximately 80' high on 5 to 6 acres. For our call on Monday at 10:00AM, I propose the attached part 77 clearance site diagrams. 4 are for north of Lightner and 2 are on the West (Jackson/Frederick) side.

Please review and let me know your thoughts. I haven't shared with DP&L yet. If your OK with them, I can share them at our meeting time.

Thanks,

Mike

DAY-2020008 -- DP&L Substation -- (North of Lightner)

DP&L Siting meeting -- 4/27/2020

Mike Cross, Rob Beeler, Kyle Able, Mike Russ, Suzanne Beck, Claudius Walker, Andrew Scheltz .

Shared proposed sites.

DP&L want to move a 138 kvw from tipp city with towers south.

DP&L want to be less than a 2 mile run.

They illustrated that they like a site north of Lightner east of runway. (Our Option 3)

Easement width is 100 foot wide.

Land acquisition this year, build late next year or early 2022.

Large poles vs towers.

Purchase or lease? They are thinking purchase, but not sure.

Question outstanding regarding allowable height along Frederick -- Ginghamburg road. Forwarded question to Jeff Bonecutter.

MC

DP&L Proposed Substation Location: Lightner Road



Dayton International Airport (South of Lightner)

Greg Siefring

From: Mike Cross
Sent: Tuesday, May 12, 2020 2:50 PM
To: 'gturner@flydayton.com'; Suzanne Beck
Cc: Jeff Bonecutter
Subject: DP&L Substation
Attachments: NRTH-LIGHTNER-PT77 EXHB-OPT2.pdf

Gil and Suzanne,

I just got off the phone with Rob Beeler from DP&L. His team completed some further evaluations of the various sites and now prefers site #2. This site remains north of Lightner, but is to the west of the runway instead of east. DP&L would like to move the project forward and they would consider a long term lease, even though they would prefer to purchase.

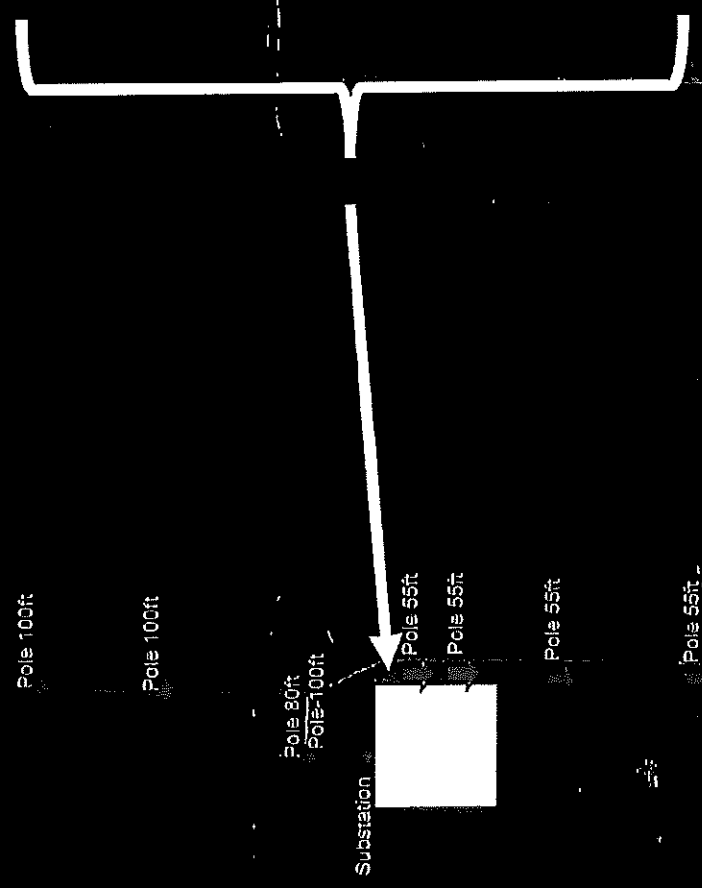
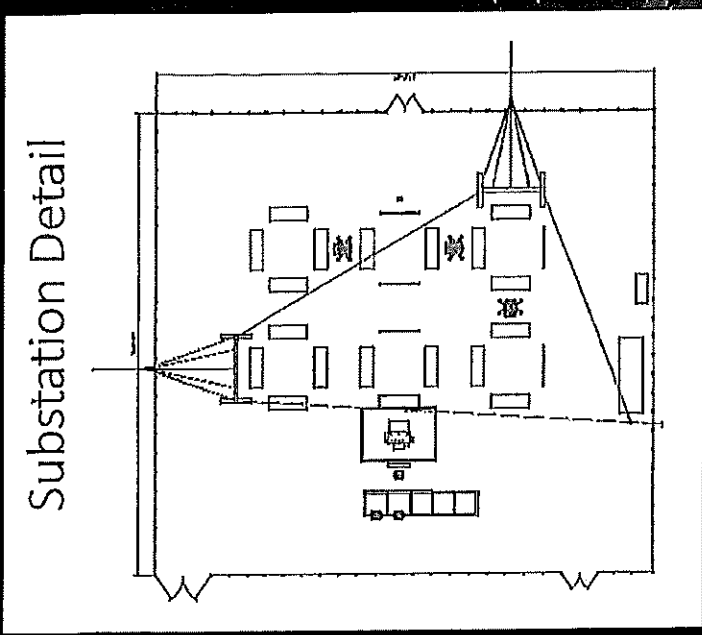
Please let me know what the next steps are.

Sincerely,

Mike



Michael Cross
Planning and Engineering Manager
Department of Aviation | City of Dayton
3600 Terminal Drive
Suite 300
Vandalia, OH 45377
Office 937.454.8226 . Mobile 937.623.8343
www.flydayton.com / www.daytonohio.gov
#DaytonCounts 2020CENSUS.GOV



Greg Siefring

From: Robert N Beeler <robert.beeler@aes.com>
Sent: Friday, June 19, 2020 10:43 AM
To: Mike Cross
Subject: RE: DP&L Sub @ Airport
Attachments: DPL.substation.airport.pptx

I'm thinking the sub would be around 3-4 acres?? The attached might help visualize the size of the sub.

The transmission line would be the lines to the north of the sub. The distribution power lines are not drawn on the map, but you can follow the pole line south to Lightner Road where it will travel west on Lightner.

Rob
m 937-477-6239

Attachment: DPL.substation.airport.pptx

From: Mike Cross <MCross@flydayton.com>
Sent: Friday, June 19, 2020 10:23 AM
To: Robert N Beeler <robert.beeler@aes.com>
Subject: RE: DP&L Sub @ Airport

USE CAUTION: External Sender

Thanks Rob,

A few quick questions...

Are the green lines the power lines?
Is the substation inside the green square?
If not, can you add the square for the substation?
Would you illustrate access to the site?
And finally, ...

Would your team be available to meet this coming Wednesday at 11:00. I've tentatively booked space on Gil's calendar.

Thanks,

Mike

From: Robert N Beeler [<mailto:robert.beeler@aes.com>]
Sent: Friday, June 19, 2020 9:24 AM
To: Mike Cross <MCross@flydayton.com>
Subject: RE: DP&L Sub @ Airport

Attachment: DPL.substation.airport.png

Rob

m 937-477-6239

From: Mike Cross <MCross@flydayton.com>
Sent: Friday, June 19, 2020 8:51 AM
To: Robert N Beeler <robert.beeler@aes.com>
Subject: RE: DP&L Sub @ Airport

USE CAUTION: External Sender

Hi Rob,

Would you be kind enough to re-attach the picture?

Thanks,

Mike

From: Robert N Beeler [<mailto:robert.beeler@aes.com>]
Sent: Friday, June 19, 2020 7:44 AM
To: Mike Cross <MCross@flydayton.com>
Subject: DP&L Sub @ Airport

Mike,

Below is a rough picture of the proposed substation. Please keep confidential as we have not had any discussions with property owners in this area other than the airport. The tallest structure within the substation is 40 feet.

I believe the substation would be approximately 2700' to the end of the runway.

What other additional details would be helpful to your team?

Rob
m 937-477-6239

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Greg Slefring

From: Jeff Bonecutter <jbonecutter@passero.com>
Sent: Tuesday, July 21, 2020 2:00 PM
To: Robert N Bealer; Mike Cross
Cc: Gilbert Turner; Suzanne Beck; Youssef Elzein; Emily Bredestege
Subject: FW: DP&I. Sub @ Airport
Attachments: NRTH-LIGHTNER_DP&I-PT77-5.pdf

Rob & Mike,

Please see attached our best estimate of clearance based on county aerial (flyover) topo (2ft contours). Looks promising.
Also the locations of the poles are approximate, based on the Google image used for reference.

An actual topo & location survey of the proposed exact pole locations and the ground elevation at the pole locations will be needed to confirm true location and vertical clearance (for Submittal to FAA - 7460 Airspace review).
For pole # 3, we are showing approx..59 ft clear .. Is there a way to shift that pole to the west or north slightly? I think 60 ft pole may work with slight adjustment. Also, if the ground elevation is off by a foot, that could make a difference with a 60 ft pole as well.

The other poles locations appear to have enough clearance for 60-65 tall structures and even the 80 ft structures as you work away from the approach.

Again this is just a preliminary review. Once actual survey data (X, Y , & Z coordinates) is available, a final determination can be made and then submitted to FAA for Airspace review.

Thanks,
Jeff

Sincerely,
Jeffrey W. Bonecutter, PE
Vice President / Midwest Aviation Services Director

PASSERO ASSOCIATES
434 East First Street
Dayton, OH 45402
Direct: 937-262-7287
Cell: 513-310-3949
jbonecutter@passero.com

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-----Original Message-----

From: Emily Bredestege <ebredestege@passero.com>
Sent: Tuesday, July 21, 2020 10:24 AM
To: Jeff Bonecutter <jbonecutter@passero.com>
Subject: RE: DP&L Sub @ Airport

Jeff,
One pdf attached.
Thanks,

Sincerely,
Emily Bredestege
Airport Designer/CAD Technician

Cell: 513-383-0912
ebredestege@passero.com

-----Original Message-----

From: Jeff Bonecutter <jbonecutter@passero.com>
Sent: Monday, July 20, 2020 10:22 AM
To: Robert N Beeler <robert.beeler@aes.com>; Mike Cross <MCross@flydayton.com>
Cc: Emily Bredestege <ebredestege@passero.com>; Gilbert Turner <gturner@flydayton.com>; Suzanne Beck <SBeck@flydayton.com>; Youssef Elzein <yelzein@passero.com>
Subject: RE: DP&L Sub @ Airport

Rob & Mike,
We will review Part 77 as compared to shorter poles (60-65ft) and provide additional feedback.
Appreciate your continued efforts to work on a viable solution.

Thanks
Jeff

Sincerely,
Jeffrey W. Bonecutter, PE
Vice President / Midwest Aviation Services Director

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Dayton, OH 45402
Direct: 937-262-7287
Cell: 513-310-3949
jbonecutter@passero.com

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-----Original Message-----

From: Robert N Beeler <robert.beeler@aes.com>

Sent: Monday, July 20, 2020 10:18 AM
To: Mike Cross <MCross@flydayton.com>
Cc: Jeff Bonecutter <jbonecutter@passero.com>; Emily Bredestege <ebredestege@passero.com>; Gilbert Turner <gturner@flydayton.com>; Suzanne Beck <SBeck@flydayton.com>; Youssef Elzeln <yelzeln@passero.com>
Subject: RE: DP&L Sub @ Airport

EXTERNAL

Mike et al,

Thank you for the work to identify the proposed line route. I understand with 80' poles that poles 2, 3, and 4 could possibly violate the Part 77 airspace.

The DP&L engineering team has reviewed and we believe that we could mitigate this issue with shorter poles: 60-65' out of the ground. It's close, but I think it would work. If you are agreeable, DP&L is prepared to submit a preliminary design to the City of Dayton/Airport for verification. Thoughts?

I believe the 138kV transmission line would operate at 60Hz.

Rob
m 937-477-6239

-----Original Message-----

From: Mike Cross <MCross@flydayton.com>
Sent: Thursday, July 16, 2020 3:23 PM
To: Robert N Beeler <robert.beeler@aes.com>
Cc: Jeff Bonecutter <jbonecutter@passero.com>; Emily Bredestege <EBredestege@passero.com>; Gilbert Turner <gturner@flydayton.com>; Suzanne Beck <SBeck@flydayton.com>; Youssef Elzeln <yelzeln@passero.com>
Subject: Fwd: DP&L Sub @ Airport

USE CAUTION: External Sender

Hi Rob,

Please find attached an updated drawing overlaying the airport part 77 airspace surfaces over the proposed power line route. This informal review indicates that 80' poles in line with poles 2, 3, and 4 would be of concern.

Also, at what frequency would the transmission line operate?

We look forward to continuing working with you and your team on this project. Please feel to call with any questions.

Sincerely,

Mike

Sent from my mobile device

Begin forwarded message:

From: Jeff Bonecutter <jbonecutter@passero.com>
Date: July 15, 2020 at 4:50:07 PM EDT

