

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of The)
Dayton Power and Light Company for an)
Amendment to its Certificate of)
Environmental Compatibility and Public) Case No. 07-599-EL-BTA
Need for the Relocation of the Greene-)
Sugarcreek 138 kV Circuit for the NBL Golf)
Course Development.)

ORDER ON CERTIFICATE AMENDMENT

The Ohio Power Siting Board (Board), coming now to consider the above-entitled matter and having determined that a public hearing is not necessary, having reviewed the amendment application and being otherwise fully advised, hereby issues its Order on Certificate Amendment in accordance with Section 4906.10, Revised Code.

INTRODUCTION:A. History of the Proceeding:

On April 20, 1992, the Ohio Power Siting Board (Board) issued an Opinion, Order, and Certificate, in Case No. 91-1660-EL-BTX (91-1660), granting the application of The Dayton Power and Light Company (DP&L) for a certificate for the relocation of 2.25 miles of the Greene-Sugarcreek 138 kV Circuit to accommodate the NBL Golf Course Development project in Greene County, Ohio.

On May 16, 2007, DP&L filed an application to amend the certificate issued in 91-1660. The proposed amendment is to relocate a portion of the original relocated line, what is being called the Relocation of the Greene-Alpha 138 kV Circuit at Shepherd Road project. The project is located in Greene County, at the Beaver Creek and Sugarcreek Township line where the line crosses Shepherd Road. The project will rebuild and relocate a short section of the Greene-Alpha existing 138 kV transmission line to accommodate a new housing development in the area of the transmission line. The amendment application proposes to change the location of two wood poles structures on the line and the alignment between them.

In accordance with Rule 4906-5-10(B), Ohio Administrative Code (O.A.C.), DP&L served copies of the amendment application upon local officials. Within the discretion granted in Rule 4906-5-10(B), O.A.C., and pursuant to an entry issued May 22, 2007, the administrative law judge required DP&L to publish notice of the amendment application. Public notice was published in Greene County. DP&L filed proof of the publications on June 1, 2007. Pursuant to the public notice, interested persons were given 10 days in which

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to respond to the proposed amendment. The Board did not receive any letters regarding the proposed amendment.

B. Staff Investigation of Proposed Amendment:

On May 22, 2007, the Board's staff filed a report evaluating the amendment application. Board Staff visited the site and reviewed the amendment application. In its investigative report, the Board's staff stated that it had reviewed the application and had determined that the proposed changes to the design of the transmission line would not result in any significant adverse social or environmental impact pursuant to Rule 4906-5-10(B)(1)(a), O.A.C.

The report also states that an archaeological site, Site 33-GR-801, was discovered on the west side of Shepherd Road during the investigation for Case No. 91-1660-EL-BTX. The site was approximately 120 feet southwest of pole 475065, and the location of the new pole will be an additional 30 feet to the northeast. Though some 150 feet away, the Staff states that the northern boundary of Site 33-GR-801 should be fenced off as a precaution during removal of the existing pole 475065.

The Staff proposes the following recommended conditions to approval of the application:

1. That the applicant avoid archaeological Site 33-GR-801 during removal of pole 475065 and installation of new pole.
2. That the applicant obtain all necessary local, state and federal permits necessary for the construction of this project prior to the commencement of construction.
3. That the applicant secure any necessary easements(s) prior to the commencement of construction.

C. Decision:

Upon a review of the record, the Board finds that the changes to the design of the transmission line, with the adoptions of the Staff's recommended conditions, promotes the public convenience and necessity, is not a substantial change in the certificated facility, and will not result in any significant environmental impact. The Board also finds that a hearing is not necessary in this case. Accordingly, the Board concludes that DP&L's 91-1660 certificate should be amended to redesign the transmission line as requested in this proceeding. The certificate conditions are hereby amended to incorporate the amendment.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

- (1) DP&L is subject to the Board's jurisdiction under Chapter 4906, Revised Code.
- (2) On May 16, 2007, DP&L filed an application to amend the certificate issued in 91-1660. The proposed amendment is to relocate a portion of the original relocated line, what is being called the Relocation of the Greene-Alpha 138 kV Circuit at Shepherd Road project. The project is located in Greene County, at the Beavercreek and Sugarcreek Township line where the line crosses Shepherd Road.
- (3) In accordance with the administrative law judge's direction and Rule 4906-5-10(B), O.A.C., public notice of the proposed amendment was published in Greene County. On June 1, 2007, DP&L filed proof of the publication. DP&L also served copies of the amendment application upon local government officials, in accordance with Rule 4906-5-10(B), O.A.C.
- (4) The project will rebuild and relocate a short section of the Greene-Alpha existing 138 kV transmission line to accommodate a new housing development in the area of the transmission line. The amendment application proposes to change the location of two wood poles structures on the line and the alignment between them.
- (5) The requested rebuilding and relocation is not a substantial change in the certificated facility and will not result in any significant adverse environmental impact.
- (6) Based on the record, the certificate of environmental compatibility and public need for the 91-1660 electric transmission line project should be amended to permit construction, operation, and maintenance of the transmission line with the changes, as described in this order, subject to the conditions set forth in the Staff report.

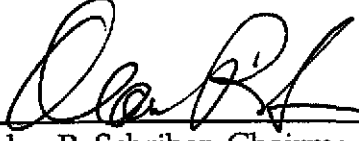
ORDER:

It is, therefore,


ORDERED, That the certificate of environmental compatibility and public need for the 91-1660 electric transmission line project is hereby amended to permit the rebuilding and relocation of the line, as described in this order, subject to the conditions set forth by the Staff in its report of May 22, 2007. It is, further,

ORDERED, That a copy of this Order on Certificate Amendment be served upon all interested persons of record.

THE OHIO POWER SITING BOARD



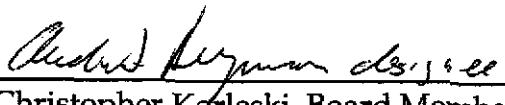
Alan R. Schriber, Chairman of the
Public Utilities Commission of Ohio




Lee Fisher, Board Member
and Director of the Ohio Department
of Development

Sean Logan, Board Member
and Director of the Ohio Department
of Natural Resources

Alvin Jackson M.D., Board Member
and Director of the Ohio Department
of Health



Christopher Korleski, Board Member and
Director of the Ohio
Environmental Protection Agency



Robert Boggs, Board Member and
Director of the Ohio Department
of Agriculture

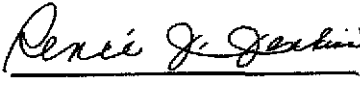


Andrew M. Boatright, P.E., Board
Member and Public Member

RRG:ct

Entered in the Journal

JUN 18 2007



Renee J. Jenkins
Secretary