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180 E. Broad Street
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Ms. Greta See
Attorney Examiner
Ohio Power Siting Board
180 E. Broad Street
Columbus, OH 43215

Subject: Application for Certificate of Environmental Compatibility and Public Need
for the Don Marquis 138 kV Loop #1 Project
Case Number 07-715-EL-BTX

Dear Examiner See:

This Staff memo addresses a motion for waiver filed by the Applicant, Columbus Southern Power Company (dba AEP Ohio) on January 22, 2008. The waiver request includes the transmission line rules that require no more than 20% of the routes to be in-common (OAC Rule 4906-5-04(A)). The Applicant contends that the rule is not clear about how the 20% in-common should be calculated, citing three different ways to calculate 20% in-common in the waiver request.

Staff agrees with the Applicant that the Alternate Route, at 8.5 miles, falls below the 20% in-common rule. However, Staff considers both routes to be important in making this determination. While the route selection study seems to infer that the in-common portion of the routes is approximately 1.2 miles (0.6 miles plus approximately 0.6 miles between points A and C), the socioeconomic and land use impact analysis section indicates approximately 1.5 miles in-common (see page 06-1 under 4906-15-06 in the application: "The routes share a common corridor.....for approximately 1.5 miles"). This difference can be significant when analyzing the 5.9 mile Preferred Route (i.e. 25.4% vs. 20.3% in-common). Staff notes that in both calculations, the Preferred Route exceeds the 20% in-common rule.

The Applicant contends that the rule is ambiguous in this regard. Staff suggests that this apparent ambiguity can be reviewed under the next 5-year review of the Power Siting rules.

Regardless of any perceived ambiguity, Staff does not object to the waiver request made by the Applicant. The Staff intends to thoroughly review the Applicant's route selection study as part of its evaluation of this application. Therefore, the Staff reserves the right to require information from the Applicant in areas covered by the waiver request, as determined necessary during the course of its investigation. The Staff also reserves the right to investigate and contest all other issues presented in the application.

Very truly yours,

Klaus Lambeck, Chief
Facilities, Siting & Environmental Analysis Division

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