

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of )  
American Transmission Systems, )  
Incorporated for a Certificate of ) Case No. 11-4152-EL-BSB  
Environmental Compatibility and Public )  
Need for the Construction of the Fulton )  
Substation. )

ENTRY

The administrative law judge finds:

- (1) On June 15, 2012, American Transmission Systems, Incorporated (ATSI), a wholly-owned subsidiary of FirstEnergy Corp., filed an application seeking to construct the Fulton Substation. The project contains a 345 kilovolt (kV) to 138 kV transmission substation and associated transmission line connections that will reinforce the 138 kV transmission system in the Toledo area.
- (2) On June 1, 2012, ATSI filed a motion for a waiver of the requirement of Section 4906.06, Revised Code, that the application for the project be filed at least one year in advance of the planned commencement of construction. According to ATSI, this project is needed to serve the existing and future needs of the Toledo Edison service area. Because of the need for the project, ATSI requests that the Board waive the one-year notice requirement of Section 4906.06, Revised Code.
- (3) On September 14, 2012, the Board's Staff (Staff) filed its response to ATSI's waiver request. In its response, Staff explains that it does not object to the waiver request, but reserves the right to request information in areas covered by the requested waiver, if Staff determines it to be necessary, during the course of the investigation. Staff also reserves the right to investigate and contest all other issues presented in the application.
- (4) Rule 4906-1-03, Ohio Administrative Code (O.A.C.), provides that, where good cause exists, the administrative law judge (ALJ) may permit departure from Chapters 4906-1

to 4906-15, O.A.C. Upon review, the ALJ concludes that ATSI's requests for waiver of Section 4906.06(A)(6), Revised Code, is reasonable and should be granted.

- (5) Pursuant to Rule 4906-5-05(A), O.A.C., within 60 days after receipt of an application for a major utility facility, the chairman of the Board shall notify the applicant of the acceptance or rejection of the application as complete. Accordingly, on August 15, 2012, the Board notified ATSI that its application was sufficiently complete to permit the Staff to commence its review and investigation of the application. Further, the August 15, 2012, letter directed ATSI to serve appropriate government officials and public agencies with copies of the complete, certified application.
- (6) On September 6, 2012, ATSI filed a certificate of service of its accepted and complete application, in accordance with the requirements of Rule 4906-5-07, O.A.C. The effective date of the filing of the application shall be September 13, 2012.
- (7) At this time, ALJ finds that a local public hearing in this matter shall be held on November 13, 2012, at 6:00 p.m., at the Vallywood Golf Club, 13501 Airport Highway, Swanton, Ohio 43558. The adjudicatory hearing shall commence on November 26, 2012, at 10:00 a.m., in Hearing Room 11-C, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.
- (8) Additionally, the ALJ finds that petitions to intervene in this proceeding will be accepted by the Board up to 30 days following publication of the notice required by Rule 4906-5-08(C)(1), O.A.C., or by October 26, 2012, whichever is later.
- (9) ATSI should issue public notices of the application and the hearings, in accordance with Rule 4906-5-08, O.A.C. As part of the information to be included in the notices, as required by Rule 4906-5-08, O.A.C., ATSI shall include a statement that the public hearing in this case shall consist of two parts:
  - (a) A local public hearing, pursuant to Section 4906.08(C), Revised Code, where the Board shall accept written or oral testimony from any person on November 13, 2012, at 6:00 p.m., at

the Vallywood Golf Club, 13501 Airport Highway, Swanton, Ohio 43558.

- (b) An evidentiary hearing commencing on November 26, 2012, at 10:00 a.m., at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Hearing Room 11-C, Columbus, Ohio 43215-3793.
- (10) Further, regarding the initial public notice required under Rule 4906-5-08(C)(1), O.A.C., ATSI shall include the following statement as part of the public notice:

Petitions to intervene in the adjudicatory hearing will be accepted by the Board up to 30 days following publication of the notice required by Rule 4906-5-08(C)(1), O.A.C., or by October 26, 2012, whichever is later. However, the Board strongly encourages interested persons who wish to intervene in the adjudicatory hearing to file their petitions as soon as possible. Petitions should be addressed to the Ohio Power Siting Board, Docketing Division, 180 East Broad Street, Columbus, Ohio 43215-3793, and cite the above-listed case number.

- (11) Rule 4906-7-01, O.A.C., provides that the ALJ shall regulate the course of the hearing including requiring that testimony to be offered in the Board proceedings be reduced to writing and filed with the Board, according to a schedule established by the ALJ. Accordingly, the ALJ finds that the following process shall be implemented.
- (a) Pursuant to Rule 4906-5-05(D), O.A.C., Staff shall file its report of investigation (Staff Report) on or before October 26, 2012.
  - (b) On or before November 5, 2012, each party shall file a list of issue(s) citing specific concern(s) about which they may be interested in pursuing cross-examination of witnesses at the evidentiary hearing.

- (c) All testimony to be offered in this matter shall be filed by November 19, 2012.
- (d) The parties are encouraged to arrange for electronic service of testimony and other pleadings among themselves. If electronic service is agreed to, the parties are also directed to provide electronic copies to the ALJ.

It is, therefore,

ORDERED, That the hearings in this matter be scheduled at the times and places designated in Finding (7). It is, further,

ORDERED, That notices of the application and hearings be published by ATSI in accordance with Findings (9) and (10). It is, further,

ORDERED, That Staff file its Staff Report in accordance with Finding (11). It is, further,

ORDERED, That the parties file their issue lists and testimony in accordance with Finding (11). It is, further,

ORDERED, That a copy of this Entry be served upon all interested persons of record in this proceeding.

THE OHIO POWER SITING BOARD

s/Katie L. Stenman

By: Katie L. Stenman  
Administrative Law Judge

jrj/dah

**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 11-4152-EL-BSB**

Summary: Attorney Examiner Entry regarding procedural schedule electronically filed by Vesta R Miller on behalf of Katie L. Stenman, Administrative Law Judge, Ohio Power Siting Board