

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of)
American Transmission Systems,)
Incorporated for a Certificate to Construct) Case No. 11-4884-EL-BTX
the East-Springfield London-Tangy 138)
Kilovolt Transmission Line.)

In the Matter of the Application of)
American Transmission Systems,)
Incorporated for a Certificate to Expand) Case No. 11-4885-EL-BSB
the London Substation to Include a)
Transmission Switch.)

ENTRY

The Administrative Law Judge finds:

- (1) On May 18, 2012, as amended on July 17, 2012, American Transmission Systems, Incorporated (Applicant or ATSI) filed with the Ohio Power Siting Board (Board), an application for a certificate of environmental compatibility and public need to construct a 138-kilovolt transmission line in Case No. 11-4884-EL-BTX (11-4884). ATSI also filed with the Board an application for a certificate of environmental compatibility and public need to convert the London substation from a distribution substation to a distribution substation and a transmission switching substation in Case No. 11-4885-EL-BSB (11-4885). On September 6, 2012, ATSI filed a motion to consolidate the proceedings and, by entry issued on November 5, 2012, the Board granted the motion to consolidate.
- (2) Rule 4906-5-09(A), Ohio Administrative Code (O.A.C.), requires an applicant to file proof of the first public notice within fourteen days of publication.
- (3) On December 4, 2012, ATSI filed a motion asking that the Board accept proof of publication of first public notice of public and evidentiary hearings. ATSI states that the first notice was published in newspapers of general circulation in the project area between November 15, 2012, and

November 17, 2012. Applicant states proof of publication was filed with the Board four days after the fourteen-day deadline found in Rule 4906-5-09(A), O.A.C. ATSI's motion and memorandum in support state that the public notices were appropriately published but due to an inadvertent oversight the proof of publication was not timely filed with the Board.

- (4) The Administrative Law Judge finds that ATSI notified the public consistent with the requirements of Rule 4906-5-09(A), O.A.C., despite filing the proof of publication with the Board after the due date pursuant to the rule. Because the public was appropriately notified, the Administrative Law Judge finds that the motion to accept the first proof of publication is reasonable and should be granted.

It is, therefore,

ORDERED, That ATSI's motion to accept proof of publication of first public notice is granted in accordance with finding (4). It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE OHIO POWER SITING BOARD

s/Bryce McKenney

By: Bryce A. McKenney
Administrative Law Judge

JRJ/sc

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in

Case No(s). 11-4884-EL-BTX, 11-4885-EL-BSB

Summary: Administrative Law Judge Entry granting the motion to accept proof of publication of first public notice. - electronically filed by Sandra Coffey on behalf of Bryce McKenney, Attorney Examiner, Public Utilities Commission of Ohio