

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of AEP)
Transmission Company, Incorporated for a)
Certificate of Environmental Compatibility) Case No. 12-1361-EL-BSB
and Public Need for the Construction of the)
Biers Run Substation.)

ENTRY

The administrative law judge finds:

- (1) On December 20, 2012, AEP Ohio Transmission Company, Incorporated (AEP Transco or applicant) filed an application seeking approval for the construction of a new 345/138/69 kilovolt (kV) Biers Run electric substation and associated electric transmission line interconnection in Union Township, Ross County, near Chillicothe, Ohio. AEP Transco submits that the new substation will improve reliability, reinforce the 138 kV and 69 kV systems in the area to mitigate low voltage in the event of an outage, and address thermal loading issues during peak load and outage conditions.
- (2) Pursuant to Rule 4906-5-05(A), Ohio Administrative Code (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 February 13, 2013, the Board notified AEP Transco that its application was sufficiently complete to permit Staff to commence its review and investigation of the application. Further, the February 13, 2013, letter directed AEP Transco to serve appropriate government officials and public agencies with copies of the complete, certified application.
- (3) On March 21, 2013, AEP Transco 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 March 22, 2013.
- (4) At this time, the administrative law judge (ALJ) finds that a local public hearing in this matter shall be held on June 11, 2013, at 6:00 p.m., at the Pioneer School of Developmental

Disabilities, 11268 County Road 550, Chillicothe, Ohio 45601. The adjudicatory hearing shall commence on June 25, 2013, at 10:00 a.m., in Hearing Room 11-D, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.

- (5) 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 May 28, 2013, whichever is later.
- (6) AEP Transco 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., AEP Transco 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 June 11, 2013, at 6:00 p.m., at the Pioneer School of Developmental Disabilities, 11268 County Road 550, Chillicothe, Ohio 45601.
 - (b) An evidentiary hearing commencing on June 25, 2013, at 10:00 a.m., at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Hearing Room 11-D, Columbus, Ohio 43215-3793.
- (7) Further, regarding the initial public notice required under Rule 4906-5-08(C)(1), O.A.C., AEP Transco 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 May 28, 2013, 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.

- (8) 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 May 24, 2013.
 - (b) On or before May 31, 2013, 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 by the applicant in this matter shall be filed by June 14, 2013.
 - (d) All testimony to be offered by the intervenor(s) and Staff shall be filed by June 18, 2013.
 - (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 (4). It is, further,

ORDERED, That notices of the application and hearings be published in accordance with Findings (6) and (7). It is, further,

ORDERED, That Staff file its Staff Report in accordance with Finding (8). It is, further,

ORDERED, That the parties file their issue lists and testimony in accordance with Finding (8). 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/Jay S. Agranoff

By: Jay S. Agranoff
Administrative Law Judge

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in

Case No(s). 12-1361-EL-BSB

Summary: Administrative Law Judge Entry scheduling local public hearing on June 11, 2013, at 6:00 p.m., and adjudicatory hearing on June 25, 2013, at 10:00 a.m., electronically filed by Vesta R Miller on behalf of Jay S. Agranoff, Administrative Law Judge, Ohio Power Siting Board