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March 26, 2013

Ms. Barcy F. McNeal, Secretary  
Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, Ohio 43215

RE: **In the Matter of the Letter of Notification of  
American Transmission Systems, Inc. for  
Angola-Eber-Vulcan 138 kV Transmission  
Line Structure Replacement Project  
Case No. 13-493-EL-BLN**

Dear Ms. McNeal:

Enclosed for filing are the original and 10 copies of the proof of publication in the above-captioned case. The public notice appeared in the March 14, 2013, *Toledo Blade*.

If you have any questions regarding this filing, please feel free to contact me at your convenience.

Sincerely,

Robert J. Schmidt, Jr.  
Attorney for Applicant American Transmission Systems, Inc.

Enclosures

This is to certify that the images appearing are an  
accurate and complete reproduction of a case file  
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# THE BLADE

## AFFIDAVIT OF DISTRIBUTION

STATE OF OHIO,

COUNTY OF LUCAS,

I, Shelly Kowalski duly sworn on oath says he/she is and during all times herein stated has been the publisher of the publisher's designated agent in charge of the publication known as

The Blade ("Publisher") has full knowledge of the facts herein stated as follows:

The ROP ad for First Energy ("Advertiser") was distributed to the Publisher's full circulation on March 14, 2013.

By: \_\_\_\_\_

Subscribed and sworn to before me

this 14<sup>th</sup> day of March, 2013.

Connie Cross  
Notary Public

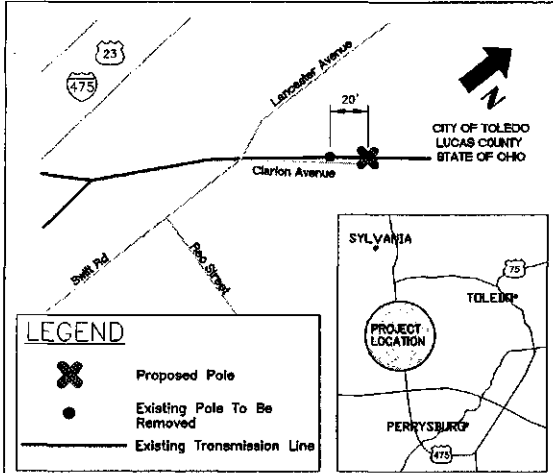
Notary Seal:



CONNIE CROSS  
Notary Public, State of Ohio  
My Commission Expires 2-26-2017

# NOTICE OF PROPOSED MAJOR UTILITY FACILITY

American Transmission Systems, Incorporated (ATSI), a FirstEnergy company, proposes to construct the Angola-Eber-Vulcan 138 kV Transmission Line Structure Replacement Project (Project), a new utility facility, in a Letter of Notification application submitted to the Ohio Power Siting Board (Board) for a Certificate of Environmental Compatibility and Public Need. The proposed Project is located in the City of Toledo in Lucas County, Ohio. The proposed Project involves replacing one (1) wood pole structure in the Angola-Eber-Vulcan 138 kV Transmission Line with one (1) laminated wood pole switch structure. The Project construction is proposed to be located within existing right-of-way. The general Project location is shown on the accompanying map of the area.



The following public officials and agencies have been provided with copies of the Letter of Notification application as required by the Board's regulations:

The Honorable Pete Gerken, Lucas County Commissioner  
 The Honorable Carol Contrada, Lucas County Commissioner  
 The Honorable Tina Skeldon Wozniak, Lucas County Commissioner  
 Mr. Keith G. Earley, P.E., P.S., Lucas County Engineer  
 The Honorable Michael Bell, Mayor, City of Toledo  
 Mr. Joseph McNamara, President, City of Toledo Council  
 Mr. Gerald Dendinger, City of Toledo Council Clerk  
 Mr. Edward Moore, City of Toledo Public Service Director  
 Ms. Robin Whitney, P.E., City of Toledo Div. of Engineering Services Commissioner

A copy of the Letter of Notification application is available for public inspection at the offices of the Ohio Power Siting Board, c/o Public Utilities Commission of Ohio, Utilities Department, 12th Floor, Borden Building, 180 East Broad Street, Columbus, Ohio 43215-3793, [www.opsb.ohio.gov](http://www.opsb.ohio.gov). A copy of the Letter of notification application has also sent to the following library:

Holland Branch Library, 1032 South McCord Road, Holland, Ohio 43528

A Letter of Notification application for a certificate to construct, operate and maintain the above named electric transmission line facility is now pending before the Board. The application has been assigned Docket No. 13-0493-EL-BLN, and the docket number should be referenced in all communications about this proceeding.

In accordance with the Board's regulations (Admin. Code Rule 4906-5-08), the following sections of the Ohio Revised Code plus additional information are shown.

#### Section 4906.10(A)

(A) The power siting board shall render a decision upon the record either granting or denying the application as filed, or granting it upon such terms, conditions, or modifications of the construction, operation, or maintenance of the major utility facility as the board considers appropriate. The certificate shall be conditioned upon the facility being in compliance with standards and rules adopted under sections 1501.33, 1501.34, and 4561.32 and Chapters 3704., 3734., and 6111. of the Revised Code. The period of initial operation under a certificate shall expire two years after the date on which electric power is first generated by the facility. During the period of initial operation, the facility shall be subject to the enforcement and monitoring powers of the director of environmental protection under Chapters 3704., 3734., and 6111. of the Revised Code and to the emergency provisions under those chapters. If a major utility facility constructed in accordance with the terms and conditions of its certificate is unable to operate in compliance with all applicable requirements of state laws, rules, and standards pertaining to air

pollution, the facility may apply to the director of environmental protection for a conditional operating permit under division (G) of section 3704.03 of the Revised Code and the rules adopted thereunder. The operation of a major utility facility in compliance with a conditional operating permit is not in violation of its certificate. After the expiration of the period of initial operation of a major utility facility, the facility shall be under the jurisdiction of the environmental protection agency and shall comply with all laws, rules, and standards pertaining to air pollution, water pollution, and solid and hazardous waste disposal.

The board shall not grant a certificate for the construction, operation and maintenance of a major utility facility, either as proposed or as modified by the board, unless it finds and determines all of the following:

- (1) The basis of the need for the facility if the facility is an electric transmission line or gas or natural gas transmission line;
- (2) The nature of the probable environmental impact;
- (3) That the facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations;
- (4) In the case of an electric transmission line or generating facility, that the facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems and that the facility will serve the interests of electric system economy and reliability;
- (5) That the facility will comply with Chapters 3704., 3734., and 6111. of the Revised Code and all rules and standards adopted under those chapters and under sections 1501.33, 1501.34, and 4561.32 of the Revised Code. In determining whether the facility will comply with all rules and standards adopted under section 4561.32 of the Revised Code, the board shall consult with the office of aviation of the division of multi-modal planning and programs of the department of transportation under section 4561.341 of the Revised Code.
- (6) That the facility will serve the public interest, convenience and necessity;
- (7) In addition to the provisions contained in divisions (A)(1) to (6) of this section and rules adopted under those divisions, what its impact will be on the viability as agricultural land of any land in an existing agricultural district established under Chapter 929. of the Revised Code that is located within the site and alternative site of the proposed major utility facility. Rules adopted to evaluate impact under division (A)(7) of this section shall not require the compilation, creation, submission, or production of any information, document, or other data pertaining to land not located within the site and alternative site.
- (8) That the facility incorporates maximum feasible water conservation practices as determined by the board, considering available technology and the nature and economics of the various alternatives.

#### Section 4906.07. Public hearing on application

(A) Upon the receipt of an application complying with section 4906.06 of the Revised Code, the power siting board shall promptly fix a date for a public hearing thereon, not less than sixty nor more than ninety days after such receipt, and shall conclude the proceeding as expeditiously as practicable.

(B) On an application for an amendment of a certificate, the board shall hold a hearing in the same manner as a hearing is held on an application for a certificate if the proposed change in the facility would result in any material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of such facility other than as provided in the alternatives set forth in the application.

(C) The chairman of the power siting board shall cause each application filed with the board to be investigated and shall, not less than fifteen days prior to the date any application is set for hearing, submit a written report to the board and to the applicant. A copy of such report shall be made available to any person upon request. Such report shall set forth the nature of the investigation, and shall contain recommended findings with regard to division (A) of section 4906.10 of the Revised Code and shall become part of the record and served upon all parties to the proceeding.

At this time, no public hearing has been scheduled.

#### 4906.08(C). Parties – testimony

(C) The board shall accept written or oral testimony from any person at the public hearing, but the right to call and examine witnesses shall be reserved for parties. However, the board may adopt rules to exclude repetitive, immaterial, or irrelevant testimony.

#### Intervention

Petitions to intervene in the adjudicatory hearing will be accepted by the Board up to 10 days following publication of this notice. Petitions to intervene should be addressed to the Ohio Power Siting Board, 180 East Broad Street, Columbus, Ohio 43215-3793 and cite the above-listed case number (Docket No. 13-0493-EL-BLN).