

**BEFORE THE OHIO POWER SITING BOARD**

<b>In the matter of the application of AEP</b>	)	
<b>Ohio Transmission Company for a</b>	)	
<b>certificate of environmental</b>	)	<b>Case No. 12-1361-EL-BSB</b>
<b>compatibility and public need for</b>	)	
<b>345/138/69 kV Biers Run Substation</b>	)	
<b>Project.</b>	)	

**MOTION FOR WAIVER OF  
AEP OHIO TRANSMISSION COMPANY**

Pursuant to Rule 4906-1-03 of the Ohio Administrative Code, AEP Ohio Transmission Company (“AEP Transco”) moves the Ohio Power Siting Board to grant a certain waiver contained within Chapter 4906-1 of the Ohio Administrative Code (“O.A.C.”).

Specifically, AEP Transco seeks a waiver from the notice provision of Rule 4906-5-08(C)(3), O.A.C. Pursuant to Rule 4906-5-08(D), O.A.C., inability or inadvertent failure to notify the persons described in this rule shall not constitute a failure to give public notice, provided substantial compliance with these requirements is met. Good cause exists for granting the waiver and the reasons underlying such motion are set forth in the accompanying memorandum in support.

WHEREFORE, AEP Transco respectfully requests that the Ohio Power Siting Board grant a waiver from the notice provision of Rule 4906-5-08(C)(3), O.A.C.

Respectfully submitted,

//s/ Erin C. Miller

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**AEP Ohio Transmission Company**

**MEMORANDUM IN SUPPORT OF MOTION FOR WAIVER OF  
AEP OHIO TRANSMISSION COMPANY**

**I. Introduction**

On December 20, 2012, AEP Transco 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. An Entry scheduling the local public hearing on June 11, 2013, at 6:00 p.m., and adjudicatory hearing on June 25, 2013, at 10:00 a.m. was docketed on March 22, 2013.

Per Rule 4906-5-08(C)(3), O.A.C., AEP Transco must send a letter describing the proposed facility to each property owner and affected tenant at least thirty days before the public hearing. Due to an administrative oversight, AEP Transco did not send a letter to the four affected property owners by the requisite deadline. After realizing its error, AEP Transco sent the four affected property owners a letter describing the facility, the certification process and information regarding the date and time of the public hearing via overnight mail and first class mail on May 28, 2013.

**II. 4906-5-08(C)(3), O.A.C.**

Rule 4906-5-08(C)(3), O.A.C., provides that at least thirty days before the public hearing, the applicant shall send a letter describing the facility to each property owner and affected tenant. The letter shall briefly describe the certification process and shall

include the date of the public hearing. The letter shall be sent by first class mail. Per Rule 4906-1-03, O.A.C, AEP Transco seeks to amend the requirement of Rule 4906-5-08(C)(3), O.A.C.

Furthermore, Rule 4906-5-08(D), O.A.C., provides that inability or inadvertent failure to notify the persons described in this rule shall not constitute a failure to give public notice, provided substantial compliance with these requirements is met.

Upon realizing its mistake, AEP Transco took immediate steps to ensure that it complied with the notification requirement and sent letters to the affected property owners via overnight mail. Due to the fact that all of the affected property owners now have actual notice of the proposed facility, the certification process and the date and time of the public hearing, good cause exists for granting the requested waiver.

### **III. Conclusion**

Good cause exists for granting the waiver requested by AEP Transco. The Company respectfully requests that the Ohio Power Siting Board grant a waiver from the notification requirement in Rule 4906-5-08(C)(3), O.A.C. as it has substantially complied with the rule requirements and is therefore not prejudicial to any party.

Respectfully submitted,

//s/ Erin C. Miller

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**Attorneys for Applicant**

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**CERTIFICATE OF SERVICE**

I hereby certify that a courtesy copy of AEP Ohio Transmission Company's Motion for Waiver was served by mailing a true and correct copy via electronic mail upon the individuals listed below this 29<sup>th</sup> day of May, 2013.

//s/ Erin C. Miller

**Erin C. Miller**

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

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

Summary: Motion for Waiver from OAC Rule 4906-5-08(C)(3) electronically filed by Erin C Miller on behalf of AEP Ohio Transmission Company, Inc.