

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of)
Dayton Power & Light Company for a)
Certificate of Environmental Compatibility) Case No. 14-469-EL-BTX
and Public Need for the West Milton to)
Eldean 138 kV Transmission Line Project.)

ENTRY

The administrative law judge finds:

- (1) On March 24, 2014, Dayton Power & Light Company (DP&L) filed a preapplication notification letter for a certificate of environmental compatibility and public need to construct a new 17-mile 138 kilovolt transmission line from the existing West Milton Substation to the existing Eldean Substation located northwest of Troy, Ohio. DP&L states the purpose of the proposed project is to ensure that adequate transmission system voltages are maintained in the northwest area of the DP&L transmission system under various outage conditions.
- (2) On March 27, 2014, DP&L filed a request for waiver of two requirements of Ohio Adm.Code 4906-5-04(A). Specifically, DP&L requests a waiver from the requirement that the alternate route not have more than 20 percent in common with the preferred route as set forth in Ohio Adm.Code 4906-5-04(A), and instead allow for the alternate route to have 30 percent in common with the preferred route. DP&L argues this waiver should be granted due to the numerous constraints regarding the residential development of the town of West Milton, and the limited routing options for crossing the Stillwater River that minimize ecological impacts. In addition, DP&L asserts the project's objective to evaluate routes that utilize existing road right-of-ways or existing transmission line corridors require the additional percentage requested.
- (3) DP&L also requests a waiver from the requirement that all certificate applications for electric transmission facilities

include fully-developed information on two routes as set forth in Ohio Adm.Code 4906-5-04(A), and instead permit DP&L to report results of field studies and investigations for ecological and cultural resources for only the preferred route. DP&L contends this waiver should be granted due to the low probability of discovering additional wetlands, streams, or other ecologically sensitive areas other than those already considered, and significant effort and expense would be required to obtain consent from the numerous landowners needed to perform field studies on the alternate route. DP&L further provides there is sufficient time in the project schedule to perform the additional field investigations on the alternate route if the Board does not approve the preferred route.

- (4) On April 9, 2014, Staff filed a memorandum stating that it did not oppose DP&L's request for waivers. Staff also reserves the right to require information from DP&L in areas covered by the requested waivers if Staff determines it to be necessary during the course of the investigation. In addition, Staff reserves the right to investigate and contest all other issues presented in the application.
- (5) Ohio Adm.Code 4906-1-03 provides that, where good cause appears, the Board or the administrative law judge may permit departure from Ohio Adm.Code Chapters 4906-01 to 4906-17, unless prohibited by statute. Upon review of the waiver request and Staff's filing, the administrative law judge finds that, in order to ensure DP&L's application contains all the necessary information to evaluate the proposal, and avoids additional, unnecessary costs for developing less relevant information, the request for waiver for both requirements is reasonable. Accordingly, DP&L's request to waive these requirements should be granted.
- (6) The administrative law judge wishes to clarify that, although she is willing to grant the requested waivers, this does not preclude Staff from requesting the waived information and DP&L must provide to Staff any and all waived information requested during the completeness review or through discovery in this proceeding.

It is, therefore,

ORDERED, That DP&L's motion for waiver of two requirements of Ohio Adm.Code 4906-5-04(A) is granted. It is, further,

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

THE OHIO POWER SITING BOARD

s/Mandy W. Chiles

By: Mandy Willey Chiles
Administrative Law Judge

JRJ/sc

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in

Case No(s). 14-0469-EL-BTX

Summary: Administrative Law Judge Entry granting DP&L's motion for waiver of two requirements of Ohio Adm.Code 4906-5-04(A). - electronically filed by Sandra Coffey on behalf of Mandy Willey Chiles, Attorney Examiner, Public Utilities Commission of Ohio