

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of)
American Transmission Systems, Inc. for)
an Amendment to its Certificate to) Case No. 14-595-EL-BTA
Construct the East Springfield-London-)
Tangy 138 Kilovolt Transmission Line)
Project.)

ORDER ON CERTIFICATE AMENDMENT

The Ohio Power Siting Board (Board), coming now to consider the above-entitled matter and having determined that a public hearing is not necessary, having reviewed the amendment application and being otherwise fully advised, hereby issues its Order on Certificate Amendment in accordance with R.C. Chapter 4906.

OPINION:

I. History of the Proceeding

On March 11, 2013, the Board issued its Opinion, Order, and Certificate, in *In re American Transmission Systems, Inc.*, Case No. 11-4884-EL-BTX (*ESLT Line Case*) granting the application of American Transmission Systems, Inc. (ATSI) for a certificate to construct an electric transmission line. The approved East Springfield-London-Tangy 138-kilovolt (kV) transmission line will cross Clark, Delaware, Madison, and Union counties, Ohio. ATSI plans to construct the transmission line in two segments, the East Springfield-London segment, which extends approximately 18.5 miles, and the London-Tangy segment, which extends approximately 40 miles.

On April 24, 2014, as supplemented and clarified on April 25, 2014, and May 8, 2014, respectively, ATSI filed the instant application to amend a 0.60 mile section of the transmission line approved by the Board in the *ESLT Line Case*. ATSI proposes an amendment to the London-Tangy line segment. This amendment is being proposed by ATSI at the request of the property owners over which the approved route runs. This amendment relocates a 0.60 mile portion of the line approximately 140 feet north further into an agricultural field.

In accordance with Ohio Adm.Code 4906-5-10(B), ATSI served copies of the amendment application upon local officials and filed the proofs of publication with the Board on May 13, 2014. Notice of the amendment application was published on April 30, 2014, in the *Delaware Gazette*, and on May 1, 2014, in *The Dublin Villager*, *The Madison Press*, *Marysville Journal-Tribune*, *Springfield News-Sun*, and published on May 3,

2014, in the *Plain City Advocate*. On May 8, 2014, ATSI filed a motion requesting that its publication in the *Plain City Advocate* be deemed timely even though it was published beyond the seven-day requirement established by the Board in *In re Review of Chapters 4906-1, et al., of the Ohio Administrative Code*, Second Finding and Order (Dec. 17, 2012). In support of its motion, ATSI states that, while the notice was submitted to the paper prior to the deadline, since the paper is a Saturday-only publication, the first publication after the submittal was outside of the seven-day timeframe. The Board finds that ATSI's motion requesting that the *Plain City Advocate* publication be deemed timely is reasonable and should be granted.

On June 20, 2014, the Board's Staff (Staff) filed a report evaluating the amendment application.

II. Applicable Law

ATSI is a corporation and person pursuant to R.C. 4906.01(A) and is certificated to construct, operate, and maintain a 138-kV transmission line pursuant to R.C. 4906.10, in accordance with the Board's decision in the *ESLT Line Case*, Opinion, Order, and Certificate (Mar. 11, 2013) at 30-31.

Pursuant to R.C. 4906.10, the Board's authority applies to major utility facilities and requires entities to be certified by the Board prior to commencing construction of a facility. In accordance with R.C. Chapter 4906, the Board promulgated rules, which are set forth in Ohio Adm.Code Chapter 4906-5, prescribing regulations regarding applications for major utility facilities and amendments to certificates.

R.C. 4906.07 requires that, when considering an application for amendment of a certificate, the Board shall hold a hearing "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 alternates set forth in the application." An applicant is required to provide notice of its application for amendment in accordance with R.C. 4906.06(B) and (C), and Ohio Adm.Code 4906-5-10(B).

III. Staff Investigation of Proposed Amendments

On June 20, 2014, Staff filed its report evaluating ATSI's amendment application. In its report, Staff notes that the proposed amendment to the certificated route is at the request of directly impacted property owners. Staff concludes that the proposed adjustment to the Board-approved transmission line route is expected to result in no significant ecological and social impacts. (Staff Report at 1.)

Staff contends that the amendment to the East Springfield-London-Tangy line route would not significantly alter existing land use and notes that no recreational or public parkland is crossed as a result of the proposed amendments. Land use in proximity to the proposed amendment is entirely agricultural. No residences will need to be removed in order to accommodate the proposed amendment to the route of the East Springfield-London-Tangy transmission line. (Staff Report at 1.)

Staff notes that ATSI delineated water resources and searched for threatened and endangered species within the right-of-way of the proposed line amendment corridor. ATSI submits that no threatened and endangered species were encountered. Staff states that impacts to water resources as a result of the proposed adjustments to the transmission line would still be minimal. (Staff Report at 1.)

Staff recommends the Board find that the proposed adjustment to the certificated route of the East Springfield-London-Tangy transmission line poses minimal social and environmental impact. (Staff report at 1).

IV. Conclusion

Upon a review of the record, the Board finds, pursuant to R.C.4906.07, that the proposed amendment of the certificated East Springfield-London-Tangy 138 kV transmission line promotes the public convenience and necessity and will not result in any additional significant adverse social or environmental impacts. Furthermore, the amendment does not constitute a substantial change in the location of all or a portion of such facility. Therefore, the Board finds that a hearing is not necessary under the circumstances presented in this case. Accordingly, the Board concludes that, pursuant to R.C. Chapter 4906, ATSI's amendment application should be approved and, as a result, ATSI's certificate issued in the *ESLT Line Case* should be amended to relocate the transmission line as requested in this proceeding, pursuant to the certificate conditions set forth in the Order issued in the *ESLT Line Case*.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

- (1) ATSI is a corporation and a person under R.C. 4906.01(A).
- (2) The East Springfield-London-Tangy transmission line project is a major facility as defined in R.C. 4906.01(B)(2).
- (3) On April 24, 2014, as supplemented and clarified on April 25, 2014, and May 8, 2014, respectively, ATSI filed an application to amend the certificate issued in the *ESLT Line Case*, which involves the construction of a 138-kV

transmission line in Clark, Delaware, Madison, and Union counties, Ohio.

- (4) The amendment application includes a proposed adjustment to the certificated route of the transmission line to accommodate the request of directly impacted property owners.
- (5) In accordance with R.C. 4906.06 and Ohio Adm.Code 4906-5-10(B), copies of the amendment application were served upon local government officials and public notice of the proposed amendment was published in newspapers of general circulation in Clark, Delaware, Madison, and Union counties, Ohio. On May 13, 2014, ATSI filed its proofs of publication.
- (6) On June 20, 2014, Staff filed a report evaluating the amendment application.
- (7) The proposed change to the certificated transmission line does not result in any material increase in any social or environmental impact, or a substantial change in the location of the facility; therefore, in accordance with R.C. 4906.07, a hearing is not necessary.
- (8) Based on the record, in accordance with R.C. Chapter 4906, the certificate of environmental compatibility and public need issued in the *ESLT Line Case* should be amended to permit construction, operation, and maintenance of the East Springfield-London-Tangy transmission line consistent with the changes described in this Order and subject to the conditions set forth in the *ESLT Line Case*.

ORDER:

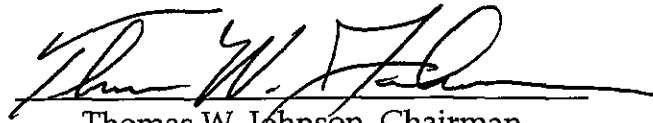
It is, therefore,

ORDERED, That ATSI's motion requesting that the Plain City Advocate publication be deemed timely is granted. It is, further,

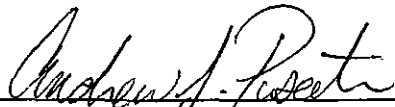
ORDERED, That the application filed by ATSI to amend the certificate of environmental compatibility and public need issued in the *ESLT Line Case* for the transmission line be granted, as described in this Order and subject to the conditions set forth in the *ESLT Line Case* and this Order. It is, further,

ORDERED, That a copy of this Order on Certificate Amendment be served upon all interested persons of record.

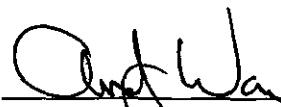
THE OHIO POWER SITING BOARD



Thomas W. Johnson, Chairman
Public Utilities Commission of Ohio



David Goodman, Board Member
and Director of the Ohio
Development Services Agency



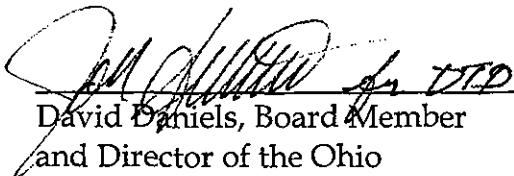
James Zehringer, Board Member
and Director of the Ohio
Department of Natural Resources



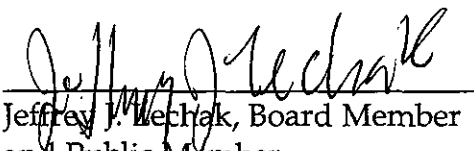
Rick Hodges, Board Member
and Director of the Ohio
Department of Health



Craig Butler, Board Member
and Director of the Ohio
Environmental Protection Agency



David Daniels, Board Member
and Director of the Ohio
Department of Agriculture

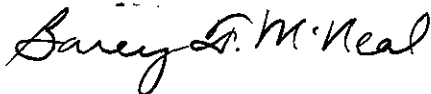


Jeffrey J. Lechak, Board Member
and Public Member

BAM/sc

Entered in the Journal

AUG 25 2014



Barcy F. McNeal
Secretary