

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of)
American Transmission Systems, Inc. and)
The Cleveland Electric Illuminating) Case No. 14-1117-EL-BTA
Company for an Amendment to the)
Certificate to Construct the Geauga County)
138 kV Transmission Line Supply Project.)

ORDER ON CERTIFICATE AMENDMENT

The Ohio Power Siting Board (Board), coming now to consider the above-entitled matter, 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 November 24, 2008, the Board issued its Opinion, Order, and Certificate, in *In re American Transmission Systems, Inc.*, Case No. 07-171-EL-BTX (*GCTL Supply Case*) granting the application of American Transmission Systems, Inc. (ATSI) and Cleveland Electric Illuminating (CEI) (collectively, Applicants) for a certificate to construct a 138-kilovolt transmission line (GCTL Supply Project), primarily in Geauga County, to reinforce CEI's electric system in Geauga and Ashtabula counties.

On June 27, 2014, Applicants filed the instant application to amend the certificate issued in in the *GCTL Supply Case*. Applicants propose a modification to Condition 21 of that certificate, which currently provides "[t]hat the Applicant shall remove all temporary gravel and other construction laydown area and access road materials within ten days of the completing construction activities."

In accordance with Ohio Adm.Code 4906-5-10(B), Applicants served copies of the amendment application and construction notice letters upon the local government representatives of Huntsburg, Montville, and Thompson Townships, Geauga County and Madison Township, Lake County, Ohio. Applicants filed copies of the construction notice letters with the Board on June 27, 2014.

On August 5, 2014, the Board's Staff (Staff) filed a report evaluating the amendment application.

II. Applicable Law

ATSI and CEI are corporations and persons pursuant to R.C. 4906.01(A) and are certificated to construct, operate, and maintain the GCTL Supply Project pursuant to R.C. 4906.10, in accordance with the Board's decision in the *GCTL Supply Case*, Opinion, Order, and Certificate (Nov. 24, 2008) at 47-50.

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. Application and Staff Investigation of Proposed Amendment

Applicants explain that the proposed modification to Condition 21 is to allow Applicants to leave in place the construction laydown areas located southwest of the intersection of Clay Street and Mayfield Road, and at the Stacy Substation site, for future uses not associated with the project. Applicants state that, because of the utility of these areas for future operations, absent an amendment to Condition 21, they would be forced to restore these laydown areas and then reconstruct them after the expiration of the Board's jurisdiction. Therefore, compliance with Condition 21 will only serve to increase costs associated with the use of these sites for these planned future operations. Moreover, Applicants state that there will be no cost associated with the amendment to Condition 21. However, the amendment of Condition 21 will reduce the cost of developing these areas for future use by removing the need to restore the areas and then redevelop them. Finally, Applicants state that this project is located on ATSI's fee-owned property, that there will be no construction schedule related to the amendment to Condition 21, that no new easements or right-of-ways for this amendment will need to be acquired, and that ATSI has developed a vegetative screening plan for the Clay Street Laydown Area. (Application at 1 - 4.)

In its report, Staff states that ASTI owns two laydown area properties located along State Route 322 (Mayfield Road). Staff notes that the first laydown area is directly connected to the Stacy Substation site. This property is virtually indistinguishable from the substation, as it is fenced and graveled. The second laydown site is located at the

intersection of Mayfield Road and Clay Street. This property was originally proposed by Applicants as a potential alternate site for a substation location. Staff points out that only a portion of ASTI's property is currently fenced, as the western part of the property remains vacant. In addition, nearby residential density is light and an existing golf course across Mayfield Road is already well-screened from the highway. (Staff Report at 1.)

Staff offers that, in order to mitigate potential aesthetic impacts, Applicants have submitted a proposed vegetative screening plan for their property located at the intersection of Mayfield Road and Clay Street. Staff states that it has reviewed Applicants' plan and believes that it adequately addresses potential aesthetic impacts to adjacent residential properties. Further, no significant change in land use is likely to result from this amendment, sufficient access is in place for vehicular traffic, and adequate lines-of-sight remain for law enforcement patrols. Finally, Staff explains that no water resources or threatened and endangered species are present at either laydown location. Significant vegetation clearing would not be required. (Staff Report at 2.)

Staff understands that ASTI intends to use these two laydown areas for storm response and to facilitate work on the local electric distribution system. Staff notes that locating materials for emergency response near the GCTL Supply Project would likely result in more rapid repair times and potentially improve the line's overall reliability. Staff concurs with Applicants that restoring vegetation at these two laydown areas and then reconstructing them for future use would only serve to increase ratepayer costs. Therefore, Staff recommends that the Board find that the proposed amendment to the certificate poses minimal social and environmental impacts. (Staff Report at 2.)

IV. Conclusion

Upon a review of the record, the Board finds, pursuant to R.C. 4906.07, that the proposed amendment of the GCTL Supply Project 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, Applicants' amendment application should be approved and, as a result, Applicants' certificate issued in the *GCTL Supply Case* should be amended to allow Applicants to leave in place the construction laydown areas for future uses not associated with the project, pursuant to the certificate conditions set forth in the Order in the *GCTL Supply Case*.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

- (1) ATSI and CEI are corporations and persons under R.C. 4906.01(A).
- (2) The GCTL Supply Project is a major facility as defined in R.C. 4906.01(B)(2).
- (3) On June 27, 2014, ATSI and CEI filed an application to amend the certificate issued in the *GCTL Supply Case*, which involves the construction of the GCTL Supply Project primarily in Geauga County, Ohio.
- (4) The amendment application proposes allowing Applicants to leave in place the construction laydown areas located southwest of the intersection of Clay Street and Mayfield Road, and at the Stacy Substation site, for future uses not associated with the project.
- (5) In accordance with R.C. 4906.06 and Ohio Adm.Code 4906-5-10(B), copies of the amendment application and construction notice letters were served upon local government officials. On June 27, 2014, ATSI and CEI filed copies of the construction notice letters.
- (6) On August 5, 2014, Staff filed a report evaluating the amendment application.
- (7) The proposed changes to the certificated transmission line do 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 *GCTL Supply Case* should be amended to permit construction, operation, and maintenance of the GCTL Supply Project consistent with the changes described in this Order and subject to the conditions set forth in the *GCTL Supply Case*.

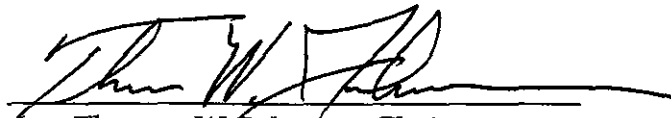
ORDER:

It is, therefore,

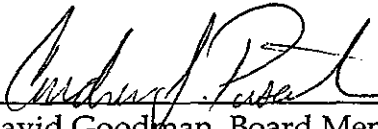
ORDERED, That the application filed by ATSI and CEI to amend the certificate of environmental compatibility and public need issued in the GCTL *Supply Case* for the GCTL Supply Project be granted, as described in this Order and subject to the conditions set forth in the GCTL *Supply Case* and this Order.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

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

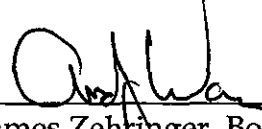
THE OHIO POWER SITING BOARD



Thomas W. Johnson, Chairman
Public Utilities Commission of Ohio



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



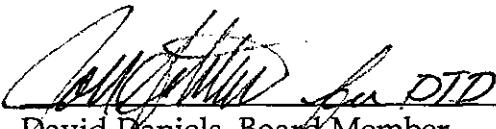
James Zehringer, Board Member
and Director of the Ohio
Department of Natural Resources



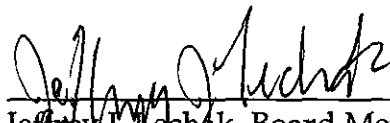
Rick Hodges, Board Member
and Director of the Ohio
Department of Health



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



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

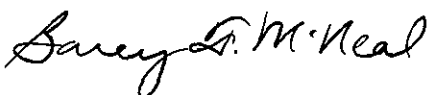


Jeffrey J. Lechak, Board Member
and Public Member

KKS/vrm

Entered in the Journal

AUG 25 2014



Barcy F. McNeal
Secretary