

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of AEP )  
Ohio Transmission Company for a )  
Certificate of Environmental Compatibility ) Case No. 13-429-EL-BTX  
and Public Need to Construct the 138kV )  
Biers Run-Hopetown-Delano Trans- )  
mission Line Project. )

ENTRY

The administrative law judge finds:

- (1) On January 8, 2014, AEP Ohio Transmission Company (AEP or Applicant) filed an application with the Ohio Power Siting Board (Board) to construct a 138-kilovolt (kV) transmission line. The proposed line will extend from the Biers Run Station to the existing Delano Station. It will pass through the Hopetown Station, a proposed distribution station that will replace the existing Camp Sherman Station. The preliminary Hopetown Station site is approximately 5.2 miles southeast of the Biers Run Station site. Delano Station is approximately 3.6 miles to the northeast of the Hopetown Station site. Single-circuit construction is predominantly proposed for the new 138-kV line, although short sections of double-circuit construction may be necessary depending on which route is selected. The purpose of this project is to maintain and improve the quality and reliability of electric service by reducing the possibility of uncontrolled widespread outages affecting a major portion of south central Ohio.
- (2) Subsequent to submitting the application, AEP evaluated potential route adjustments based on stakeholder concerns, potential increases or decreases in impacts to ecological, cultural, and land use resources, and technical feasibility. As reflected in its supplement of May 5, 2014 (first supplement), AEP made five route adjustments to the original preferred route in the application due to property owner concerns and re-evaluations.
- (3) On July 18, 2014, AEP submitted a route across Pleasant Valley Wildlife Area, as the current preferred route and identifying the new alternative routes (second supplement). On July 23,

2014, AEP held a public information meeting to discuss the changes to the routes. In response to adjacent property owner feedback, on July 31, 2014, AEP submitted its third supplement incorporating a proposed route adjustment in order to address the concerns raised at the public informational meeting.

- (4) On August 13, 2013, pursuant to Ohio Adm.Code 4906-1-03 and Ohio Adm.Code 4906-5-04(B), AEP filed a motion for a waiver of the 20 percent commonality requirement for the alternate site route set forth in Ohio Adm.Code 4906-5-04(A).

In particular, AEP explains that it cannot satisfy the requirement that no more than 20 percent of the preferred and alternative routes can be in common. AEP notes that, in developing the proposed routes in this case, it had to concurrently consider the proposed routes in Case No. 13-430-EL-BTX, *In re AEP Transmission Company*, due to the fact that AEP and the North American Electric Reliability Corporation (NERC) transmission system planning performance requirements could be violated if the circuits proposed in the two cases overlapped. Therefore, AEP asserts that the number of potential routes for the Biers Run-Hopetown-Delano line were limited.

AEP states that alternative routes with less than 20 percent commonality were evaluated, but increased potential impacts were identified. In particular, routing constraints that limited the potential for two routes with less than 20 percent commonality included the following sensitive areas: the Ohio Department of Natural Resources' Pleasant Valley Wildlife Area, Hopewell Culture National Historic Place, Chillicothe Veteran Affairs Medical Center, Union-Scioto Schools, Shawnee Wetlands Preserve and Goldie A. Gunlock memorial Park, Ross County Fairgrounds, and the city of Chillicothe and the associated commercial and residential development.

- (5) On February 7, 2014, the Staff of the Ohio Power Siting Board (Staff) filed a letter indicating that it does not object to the requested waiver, but reserves the right to require information from the Applicant in areas covered by the requested waiver if it determines it to be necessary during the course of the investigation.

- (6) The administrative law judge (ALJ) finds that AEP's request for waiver of Ohio Adm.Code 4906-5-04(A) is reasonable and should be granted, conditioned upon Staff continuing to maintain the right to require information from AEP in areas covered by the requested waiver.
- (7) Pursuant to Ohio Adm.Code 4906-5-05, within 60 days after receipt of an application for a major utility facility, the Chairman of the Board shall notify an applicant of the acceptance or rejection of the application as complete. By letter filed on March 6, 2014, the Board notified AEP its original application was sufficiently complete to permit Staff to commence its review and investigation of the application. Subsequent to AEP's supplemental filings, the Board, by letter filed on August 27, 2014, notified AEP that its supplemented application was sufficiently complete to permit Staff to commence its review and investigation of the application. The August 27, 2014 letter directed AEP, pursuant to Ohio Adm.Code 4906-5-06 and 4906-5-07, to serve appropriate government officials and public agencies with copies of the complete, certified application and to file proof of service with the Board. Further, the August 27, 2014 letter directed AEP, pursuant to R.C. 4906.06(F) and Ohio Adm.Code 4906-5-11(B), to submit the application fee.
- (8) On September 8, 2014, AEP filed its certificate of service of its accepted and complete application, in accordance with the requirements of Ohio Adm.Code 4906-5-07. AEP also submitted the application fee to the Board, pursuant to Ohio Adm.Code 4906-5-11. The effective date of the filing of the application shall be September 23, 2014.
- (9) R.C. 4906.07(A) provides that, upon receipt of an application complying with R.C. 4906.06, the Board must promptly fix a date for a public hearing not less than 60 nor more than 90 days after such receipt, and shall conclude the proceeding as expeditiously as practicable.
- (10) Accordingly, the local public hearing in this case will be held on December 16, 2014, at 6:00 p.m., at the Pioneer School Developmental Disabilities, 11268 County Road 550, Chillicothe, Ohio 45601. The adjudicatory hearing will commence on Tuesday, January 6, 2015, at 10:00 a.m., 11th

floor, Hearing Room 11-D, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.

- (11) Additionally, the ALJ finds that petitions to intervene in this proceeding will be accepted by the Board up to 30 days following publication of the notice required by Ohio Adm.Code 4906-5-08(C)(1), or by November 6, 2014, whichever is later.
- (12) AEP should issue public notices of the application and hearings in accordance with Ohio Adm.Code 4906-5-08. As part of the information to be included in the notices, as required by Ohio Adm.Code 4906-5-08, AEP shall include a statement that the public hearing in this case shall consist of two parts:
  - (a) A local public hearing, pursuant to R.C. 4906.08(C), where the Board shall accept written or oral testimony from any person, commencing on December 16, 2014, at 6:00 p.m., at the Pioneer School for Developmental Disabilities, 11268 County Road 550, Chillicothe Ohio 45601.
  - (b) An adjudicatory hearing to commence on January 6, 2015, at 10:00 a.m., 11th floor, Hearing Room 11-D, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.
- (13) Further, regarding the initial public notice required under Ohio Adm.Code 4906-5-08(C)(1), AEP shall include the following statement as a part of the public notice:

Petitions to intervene in the adjudicatory hearing will be accepted by the Board up to 30 days following publication of the notice required by Ohio Adm.Code 4906-5-08(C)(1), or no later than November 6, 2014, whichever is later. However, the Board strongly encourages interested persons who wish to intervene in the adjudicatory hearing to file their petitions as soon as possible. Petitions should be addressed to Docketing Division, the Ohio Power Siting Board, 180 East Broad Street,

Columbus, Ohio 43215-3793 and cite the above-listed case number.

- (14) Ohio Adm.Code 4906-7-01 provides that the ALJ shall regulate the course of the hearing including requiring that expert or factual testimony to be offered in Board proceedings be reduced to writing and filed with the Board, according to a schedule established by the ALJ. Accordingly, the ALJ finds that the following procedural schedule and process should be implemented:
- (a) Pursuant to Ohio Adm.Code 4906-5-05(D), Staff shall file its report of investigation (Staff Report) on or before December 1, 2014.
  - (b) On or before December 9, 2014, each party shall file a list of issue(s) citing specific concerns about which they may be interested in pursuing cross-examination of witnesses at the evidentiary hearing.
  - (c) All expert and factual testimony to be offered by AEP shall be filed by December 26, 2014.
  - (d) All expert and factual testimony to be offered by intervenors and Staff shall be filed by December 31, 2014.
  - (e) The parties are strongly encouraged to arrange for electronic service of testimony and other pleadings among themselves. If electronic service is agreed to, the parties are also directed to provide an electronic copy to the ALJ assigned to this case.

It is, therefore,

ORDERED, That AEP's waiver motion be granted in accordance with Finding (6).  
It is, further,

ORDERED, That the hearings in this matter be scheduled at the times and places designated in finding (10). It is, further,

ORDERED, That notices of the application and hearings be published by AEP in accordance with findings (12) and (13). It is, further,

ORDERED, That Staff file its Staff Report pursuant to finding (14). It is, further,

ORDERED, That the parties file their issue lists and testimony in accordance with finding (14). It is, further,

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

THE OHIO POWER SITING BOARD

s/ Jay S. Agranoff

---

By: Jay S. Agranoff  
Administrative Law Judge

JRJ/dah

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

**Commission of Ohio Docketing Information System on**

**9/24/2014 9:18:00 AM**

**in**

**Case No(s). 13-0429-EL-BTX**

Summary: Administrative Law Judge Entry that AEP's waiver motion be granted, and that the hearings be scheduled; electronically filed by Debra Hight on behalf of Jay S. Agranoff, Administrative Law Judge.