

EXHIBIT NO. _____

**BEFORE
THE OHIO POWER SITING BOARD**

**In the Matter of the Application of AEP Ohio)
Transmission Company for a Certificate of)
Environmental Compatibility and Public Need) Case No. 13-0429-EL-BTX
to construct the 138 kV Biers Run – Hopetown –)
Delano Transmission Line Project)**

**TESTIMONY OF SHAWN P. MALONE
ON BEHALF OF
AEP OHIO TRANSMISSION COMPANY
IN SUPPORT OF THE JOINT STIPULATION AND RECOMMENDATION**

Filed December 23, 2014

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1 **Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

2 A. My name is Shawn Malone and my business address is 700 Morrison Road, Gahanna,
3 Ohio 43230.

4 **Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?**

5 A. I am employed by AEP Ohio Transmission Company (“AEP Ohio Transco” or the
6 “Company”) as a Transmission Project Manager.

7 **Q. PLEASE BRIEFLY DESCRIBE YOUR EDUCATIONAL BACKGROUND AND**
8 **BUSINESS EXPERIENCE.**

9 A. I obtained a Bachelor of Science in Architectural Engineering Technology from the
10 University of Cincinnati in 1990 and I have over 15 years of experience working in
11 construction and project management. I have my Project Management Professional
12 Certification (PMP) from the Project Management Institute (PMI). I am also the project
13 manager for the project in this proceeding (“Project”).

14 **Q. WHAT ARE YOUR RESPONSIBILITIES AS A TRANSMISSION PROJECT**
15 **MANAGER?**

16 A. I am responsible for the project management of activities and project teams required for the
17 successful installation of transmission line and transmission and distribution station
18 facilities. I plan, organize, and direct team activities to develop and support all aspects of
19 transmission line and transmission and distribution station facilities, including logistics,
20 communication, planning, scheduling, siting, right-of-way, real estate acquisition,

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1 engineering, procurement, contracting, construction and financial aspects of each assigned
2 project.

3 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

4 A. The purpose of my testimony is to describe and support the Joint Stipulation and
5 Recommendation (“Stipulation”) (incorporated by reference into this testimony and
6 attached as Attachment A) entered into by AEP Ohio Transco and the Staff of the Ohio
7 Power Siting Board (collectively, “Signatory Parties”) and filed on December 26, 2014,
8 to resolve the issues in this case. The Signatory Parties recommend that the Ohio Power
9 Siting Board (“Board”) issue a Certificate of Environmental Compatibility and Public
10 Need for construction and operation of the 138kV Biers Run-Hopetown-Delano
11 Transmission Line along the Preferred Route, as identified in the Company’s filings
12 including the second and third supplemental filings and as further clarified by the
13 conditions in the Staff Report of Investigation that the Company agreed to incorporate
14 into the Stipulation. This testimony demonstrates that:

15 (1) the Stipulation is a product of serious bargaining among capable, knowledgeable
16 parties; (2) the Stipulation does not violate any important regulatory principle or
17 practice; and (3) the Stipulation, as a whole, will benefit customers and the public
18 interest.

19 **Q. WHAT ARE THE MAJOR PROVISIONS OF THE STIPULATION?**

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1 A. AEP has a critical need to reinforce its transmission system. This Project is needed to
2 improve and maintain the quality of service and reliability to the south central Ohio area,
3 including AEP Ohio Transco's customer load area of southern Columbus, Chillicothe,
4 Circleville, and Waverly, among others. To that end, AEP Transco proposes to construct
5 a new single circuit 138 kV overhead electric transmission line between the Biers Run
6 Station and Delano Station. The Project, as more fully discussed in the Company's
7 Application, is a major transmission reinforcement effort designed to help AEP maintain
8 an adequate level of transmission reliability and availability of electric power to
9 residential, commercial, institutional and industrial users in this part of Ohio.

10 **Q. WHAT CRITERIA HAS THE BOARD USED IN REVIEWING AND**
11 **APPROVING STIPULATIONS AMONG SIGNATORY PARTIES TO A**
12 **PROCEEDING?**

13 A. My understanding is that a stipulation traditionally must satisfy three criteria: (1) the
14 stipulation must be a product of serious bargaining among capable, knowledgeable
15 parties; (2) the stipulation must not violate any important regulatory principle or practice;
16 and (3) the stipulation must, as a whole, benefit customers and the public interest.

17 **Q. DOES THE STIPULATION REPRESENT A PRODUCT OF SERIOUS**
18 **BARGAINING AMONG CAPABLE, KNOWLEDGEABLE PARTIES?**

19 A. Yes, it does. All parties to the Stipulation were represented by experienced, competent
20 counsel. Also, the parties to the Stipulation regularly participate in proceedings before
21 the Board and are knowledgeable in regulatory matters. All parties were invited to

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1 participate in settlement discussions regarding the Stipulation. All parties were provided
2 the draft Stipulation and given the opportunity to further engage in settlement discussions
3 with the Company. Therefore, the Stipulation represents a product of serious bargaining
4 among capable, knowledgeable parties.

5 **Q. DOES THE STIPULATION VIOLATE ANY IMPORTANT REGULATORY**
6 **PRINCIPLES AND PRACTICES?**

7 A. No, it does not. Based on my experience with the regulatory process and review of the
8 Stipulation, I believe that the Stipulation is consistent with, and does not violate,
9 regulatory principles and practices in Ohio. On the contrary, the Stipulation is designed
10 to comply with the requirements of Revised Code 4906.10, which provides the basis for
11 decision granting or denying a certificate.

12 **Q. DOES THE STIPULATION BENEFIT CONSUMERS AND THE PUBLIC**
13 **INTEREST?**

14 A. Yes, it does. The Stipulation, which provides for the construction of the Project on the
15 Preferred Route, benefits consumers insofar as the Project will help ensure that
16 increased demands for electricity are met in the future and that existing reliability
17 service is strengthened and enhanced throughout the area. The Project will also produce
18 tax revenues for the local community. The Stipulation also benefits the public by
19 requiring the AEP Ohio Transco to comply with numerous conditions to minimize
20 impacts to the area.

21 **Q. DID AEP OHIO TRANSCO TAKE INTO ACCOUNT THE PUBLIC INPUT IN**
22 **ITS DELIBERATIONS?**

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1 A. Yes. AEP Ohio Transco filed supplements to its Application on May 5, 2014, July 18,
2 2014 and July 31, 2014 as a result of the overall process of review including the
3 concerns raised by residents.

4 **Q. PLEASE DESCRIBE AN EXAMPLE OF THE FEDERAL OR STATE LAWS**
5 **AND AUTHORIZATIONS CONTEMPLATED IN THE CONDITION FOUND**
6 **ON PAGE 10 OF THE STIPULATION UNDER (C)(9).**

7 A. AEP agrees to comply with the terms of this condition and has already engaged the
8 appropriate regulatory agencies regarding the necessary/required authorizations/permits.

9 For example, addressing the Pleasant Valley Wildlife Area managed by ODNR, AEP
10 and its consultants have engaged in ongoing discussions with ODNR (who are in
11 communication with the GSA and US Fish and Wildlife) which have determined the
12 following:

- 13 - ODNR must grant AEP authorization to construct the transmission power line;
- 14 - To grant this authorization, ODNR needs a clearance letter from the US Fish and
- 15 Wildlife Service showing they agree the Project is appropriate;
- 16 - To request this clearance letter from the US Fish and Wildlife Service, ODNR needs
- 17 for the route through the Pleasant Valley Wildlife Area to be certified by the OPSB
- 18 board;
- 19 - When the route is certified and the US Fish and Wildlife Service issues the clearance
- 20 letter, then ODNR must obtain a sign-off from the GSA which “granted” the land to
- 21 ODNR, but still retains an interest in the land.

22 As this process continues to unfold with the preferred route through the Pleasant Valley
23 Wildlife Area being certified, AEP will be certain to keep OPSB Staff informed and up-
24 to-date.

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1 **Q. IS IT AEP OHIO TRANSCO’S POSITION THAT THE STIPULATION MEETS**
2 **THE THREE-PART TEST REGARDING CONSIDERATION OF**
3 **STIPULATIONS AND SHOULD BE ADOPTED BY THE BOARD?**

4 **A.** Yes, it is. The Stipulation is reasonable and should be adopted by the Board to resolve
5 the present proceeding.

6 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

7 **A.** Yes it does.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was served via electronic mail upon the individuals listed below this 23rd day of December, 2014.

//ss//Matthew J. Satterwhite

Matthew J. Satterwhite

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ATTACHMENT

A

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Delano Transmission Line Project	)	

JOINT STIPULATION AND RECOMMENDATION

I. INTRODUCTION

AEP Ohio Transmission Company (“AEP Transco” or “Applicant”), and the Staff of the Ohio Power Siting Board (“OPSB Staff”) (at times, collectively referred to as the “Parties”) submit and recommend this Joint Stipulation and Recommendation (“Stipulation”) for adoption by the Ohio Power Siting Board (“Board”). This Stipulation is intended by the Parties to resolve all matters pertinent to Applicant’s proposed Biers Run – Hopetown – Delano Transmission Line project (“Project”).

AEP Ohio Transco proposes to construct the Project in Ross County, Ohio.¹ The Project is needed to improve and maintain the quality of service and reliability to the south central Ohio area, including AEP Ohio Transco’s customer load area of southern Columbus, Chillicothe, Circleville, and Waverly, among others. The Project is planned to be placed in service by the fall of 2016. The proposed Project would install a 138kV overhead transmission line between the Biers Run Station and Delano Station, passing through the proposed Hopetown Station, a proposed distribution substation (non-jurisdictional to OPSB) that will replace the existing Camp

¹ “Application to the Ohio Power Siting Board for a Certificate of Environmental Compatibility and Public Need” (Application), AEP Ohio Transmission Company, January 8, 2014.

Sherman Distribution Station. A 100-foot right-of-way will be needed for the new transmission line, which will incorporate steel poles for support. A route selection study was conducted for the proposed new transmission line. AEP Ohio Transco incorporated public input and field survey data to identify route alternatives and identify Preferred, North Alternate, and South Alternate transmission line routes.

The Preferred Route of the Biers Run-Hopetown-Delano Transmission Line Project is approximately 11.5 miles long. The route exits the Biers Run Substation (presently under construction under OPSB case number 12-1361-EL-BSB) as a single circuit transmission line in an east-southeast direction for 1.5 miles to Cattail Road (this portion of the route is common to the Preferred and North Alternate routes). The route continues for approximately 0.7 miles across a property owned by Ross County that is presently occupied by a juvenile detention center and Camp Cattail, and then enters the Ohio Department of Natural Resources Pleasant Valley Wildlife Area (PVWA). The Preferred Route generally parallels the northern and eastern boundaries of the PVWA for approximately 2 miles to Egypt Pike. The route then turns south along the west side of Egypt Pike, to the southern property boundary of PVWA. After turning east and crossing Egypt Pike, the route continues along the southern edge of the PVWA and then crosses privately owned agricultural property for approximately 1.1 miles to a point along State Route 104 within the current right-of-way for the 69 kV Camp Sherman-Circleville line, immediately north of the entrance to the Veterans Administration (VA) Center. At this location, the Preferred Route turns into the Common Route.

The common portion of the Preferred Route (Common Route) starts just north of the entrance to the VA Medical Center on the west side of State Route 104, and is double circuit for

2.0 miles to the proposed Hopetown station. Then the line continues for approximately 3.8 miles to the Delano Station.

The South Alternate Route is approximately 13.1 miles long. The route exits the Biers Run substation south-southeast and parallels the existing Don Marquis 345 kV line for 1.2 miles. The route then heads generally southeast for 3.6 miles across mostly agricultural fields, and passes near a residential subdivision and an archaeological site. The route then generally parallels Veterans Parkway and Pleasant Valley Road, heading east for 1.4 miles, then crosses U.S. Route 35 and continues east for an additional 1.1 miles. The route enters the proposed Hopetown distribution station at the corner of State Route 104 and Moundsville Road.

The common portion of the South Alternate Route (Common Route) is proposed as an entirely single circuit line from the proposed Hopetown Station to the Delano Station for 5.8 miles.

The North Alternate Route is approximately 12.7 miles long. The route exits the Biers Run substation as a single circuit transmission line and heads in an east-southeast direction for 1.5 miles to Cattail Road (this portion of the route is common to the Preferred and North Alternate routes). Here, the route turns north and east, crossing mostly agricultural fields for approximately 3.6 miles to Egypt Pike. East of Egypt Pike, the route crosses a large wooded area and rough topography for 1.3 miles to State Route 207. The route then generally turns southeast across agricultural fields for 1.3 miles before turning south for 0.7 miles along State Route 104 to a point near State Route 207 where it turns into the Common Route.

The common portion of the North Alternate Route (Common Route) starts near the State Route 104 and State Route 207 intersection and is double circuit for 2.5 miles to the Hopetown station. This route is single circuit for 3.3 miles to the Delano Station.

The common portion of all routes (Common Route) runs along State Route 104 from the proposed Hopetown Distribution Station (non-jurisdictional) at the northwest corner of Moundsville Road and State Route 104. The Common Route traverses along the existing right-of-way of the 69 kV Camp Sherman-Circleville line on the west side of State Route 104 for 2.5 miles before crossing State Route 104 to the east. Here the route runs along the south side of State Route 207 and crosses U.S. Route 23 to the Delano Station. The overall length of the Common Route is approximately 5.8 miles from Hopetown Station to Delano Station.

This Stipulation is the product of serious bargaining among capable and knowledgeable parties. The Parties have each participated in negotiations. This Joint Stipulation has been signed by the Applicant and OPSB Staff (collectively “Signatory Parties”). Each of the Signatory Parties was represented by experienced counsel.

This Stipulation will benefit customers and the public interest. As part of the Stipulation, the Applicant has made commitments (as more fully described below) to comply with requests from the public input and OPSB Staff conditions to minimize adverse impacts associated with the Project. The Stipulation does not violate any important regulatory principle or criteria. The Project is more fully described in the Application filed with the Board on January 8, 2014 and supplemented on May 5, 2014, July 18, 2014 and July 31, 2014 (“Application”). This Stipulation and Recommendation results from discussions between the Parties, who agree that it is supported by adequate data and information and is therefore entitled to careful consideration by the Board.

Accordingly, the Parties recommend that the Board issue a Certificate of Environmental Compatibility and Public Need for construction and operation of the Biers Run –Hopetown –

Delano Transmission Line at the Preferred Route, as identified in the Application, and subject to the conditions described in this Joint Stipulation.

II. STIPULATIONS

A. Recommended Findings of Fact

The Parties agree that the record in this case, which consists of the Application, any supplemental or related information and the Staff Report of Investigation, contains sufficient probative evidence for the Board to find and determine, as findings of fact, that:

- (1) AEP Transco is a wholly-owned subsidiary of AEP Transmission Company, LLC, which is an Ohio Corporation.
- (2) The proposed Project is a “major utility facility,” as defined in Section 4906.01(B)(1) of the Ohio Revised Code.
- (3) On April 5, 2013, the Applicant filed a pre-application notification letter in accordance with Rule 4905-5-06.
- (4) On April 23, 2013, the Applicant filed a supplement to the pre-application notification letter.
- (5) On May 15, 2013, the Applicant filed proof of publication of the notice that was issued regarding the Project.
- (6) On January 8, 2014, the Applicant filed the Application.
- (7) On March 6, 2014, the Applicant was issued a letter of compliance regarding the Application from the Chairman of the OPSB.
- (8) On March 20, 2014, the Applicant filed proof of service of the Application on local officials.
- (9) On May 5, 2014, the Applicant filed a supplement to the Application.
- (10) On July 14, 2014, the Applicant filed a proof of publication of the proposed project including the time and location of public open houses regarding the project.

- (11) On July 18, 2014, the Applicant filed a second supplement to the Application.
- (12) On July 31, 2014, the Applicant filed a third supplement to the Application.
- (13) On August 27, 2014, the Applicant was issued a letter of compliance regarding the supplemented Application from the Chairman of the OPSB.
- (14) On September 8, 2014, the Applicant filed proof of service of the supplement Application on local officials.
- (15) On September 24, 2014 the Administrative Law Judge issued an Entry establishing a procedural schedule.
- (16) On October 31, 2014, the Applicant filed proof of publication of the proposed Project, including information on the time and location of the public hearings.
- (17) On November 18, 2014, the Applicant filed proof of notification to Land Owners of the proposed Project, including information on the time and location of the public hearings.
- (18) On December 1, 2014, the OPSB Staff filed its Staff Report of Investigation ("Staff Report").
- (19) On December 8, 2014 the Applicant filed proof of publication of the proposed Project, including information on the time and location of the public hearings.
- (20) On December 9, 2014, the Applicant filed correspondence accepting the Recommend Conditions of Certificate contained in the Staff Report and indicating that it has no issues to be pursued during cross-examination at the evidentiary hearing.
- (21) On December 16, 2014, local public hearings were held in Chillicothe, Ohio.

- (22) Adequate data on the Project has been provided to the Board and OPSB Staff to determine the basis of the need for the Project, as required by Section 4906.10(A)(1) of the Ohio Revised Code.
- (23) Adequate data on the Project has been provided to the Board and OPSB Staff to determine the nature of the probable environmental impact of the Project, as required by Section 4906.10(A)(2) of the Ohio Revised Code.
- (24) Adequate data on the Project has been provided to the Board and OPSB Staff to determine that the Preferred Route contained in the Application represents the minimum adverse environmental impact, considering the available technology and nature and economics of the various alternatives, and other pertinent considerations, as required by Section 4906.10(A)(3) of the Ohio Revised Code.
- (25) Adequate data on the Project has been provided to the Board and OPSB Staff to determine that construction of the Project on the Preferred Route will have no adverse impact upon the electric grid, as required by Section 4906.10(A)(4) of the Ohio Revised Code.
- (26) Adequate data on the Project has been provided to the Board and OPSB Staff to determine that the Project will comply with Chapters 3704., 3734. and 6111. of the Ohio Revised Code and all rules and standards adopted under those chapters and under sections 1501.33, 1501.34 and 4561.32 of the Ohio Revised Code, as required by Section 4906.10(A)(5) of the Ohio Revised Code.
- (27) Adequate data on the Project has been provided to the Board and OPSB Staff to determine that the Project will serve the public interest, convenience and necessity, as required by Section 4906.10(A)(6) of the Ohio Revised Code.
- (28) Adequate data on the Project has been provided to the Board and OPSB Staff to determine the Project's impact on the viability as agricultural land of any land in an existing agricultural district established under Chapter 929. of the Ohio Revised Code that is located within the Preferred Route and Alternate Route of the Project, as required by Section 4906.10(A)(7) of the Ohio Revised Code.

- (29) Due to the fact that the facility will not require the use of water for operation, consideration of water conservation practices, considering available technology and the nature and economics of the various alternatives under Section 4906.10(A)(8) of the Ohio Revised Code is not applicable to certification of the Project.
- (30) The information, data and evidence in the record of this proceeding provide substantial and adequate evidence and information to enable the Board to make an informed decision on the proposed Project.

B. Recommended Conclusions of Law

The Parties further agree that the record in this case contains sufficient probative evidence for the Board to find and determine, as conclusions of law, that:

- (1) AEP Transco is a “person” pursuant to Section 4906.01(A) of the Ohio Revised Code.
- (2) The Project is a “major utility facility” as defined by Section 4906.01(B)(2) of the Ohio Revised Code.
- (3) The Application complies with the requirements of Ohio Administrative Code Rules 4906-15-01 *et seq.*
- (4) The record establishes the need for the Project as required by Section 4906.10(A)(1) of the Ohio Revised Code.
- (5) The record establishes the nature of the probable environmental impact from construction, operation and maintenance of the Project as required by Section 4906.10(A)(2) of the Ohio Revised Code.
- (6) The record establishes that the proposed Preferred Route represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations, as required by Section 4906.10(A)(3) of the Ohio Revised Code.
- (7) The record establishes that the Project, if conditioned in the certificate as recommended by the Parties, will comply with Chapters 3704., 3734. and 6111. of the Ohio Revised Code, and all rules and standards adopted under those chapters, and under sections 1501.33, 1501.34 and 4561.32 of the Revised Code, all as required by Section 4906.10(A)(5) of the Ohio Revised Code.

- (8) The record establishes that the Project will serve the public interest, convenience and necessity, as required by Section 4906.10(A)(6) of the Ohio Revised Code.
- (9) The record establishes the impact of the Project on the viability as agricultural land of any land in an existing agricultural district established under Chapter 929. of the Ohio Revised Code that is located within the Preferred Route and Alternate Routes of the proposed project as required by Section 4906.10(A)(7) of the Ohio Revised Code.

C. Recommended Conditions of the Certificate of Environmental Compatibility and Public Need

The Parties recommend that the Board issue a Certificate of Environmental Compatibility and Public Need, as requested by AEP Transco, subject to the following conditions:

- (1) The facility shall be installed at the Applicant's Preferred Route as presented in the Applicant's second and third supplemental filings and further clarified by recommendations in the Staff Report of Investigation.
- (2) The Applicant shall utilize the equipment and construction practices as described in the application and as modified and/or clarified in supplemental filings, replies to data requests, and recommendations in the Staff Report of Investigation.
- (3) The Applicant shall implement the mitigation measures as described in the application and as modified and/or clarified in supplemental filings, replies to data requests, and recommendations in the Staff Report of Investigation.
- (4) The Applicant shall conduct a preconstruction conference prior to the start of any construction activities. The conference shall include a presentation of the measures to be taken by the Applicant and contractors to ensure compliance with all conditions of the certificate, and discussion of the procedures for on-site investigations by Staff during construction. Prior to the conference, the Applicant shall provide a proposed conference agenda for Staff review. The Applicant may conduct separate preconstruction meetings for each stage of construction.
- (5) At least 30 days prior to the preconstruction conference, the Applicant shall have in place a complaint resolution procedure to address potential public grievances resulting from project construction and operation. The resolution procedure must provide that the Applicant will work to mitigate

or resolve any issues with those who submit either a formal or informal complaint and that the Applicant will immediately forward all complaints to Staff. The Applicant shall provide the complaint resolution procedure to Staff, for review and confirmation that it complies with this condition, prior to the preconstruction conference.

- (6) At least 30 days before the preconstruction conference, the Applicant shall submit to Staff one set of detailed engineering drawings of the final project design, including temporary and permanent access roads, and construction staging areas, so that Staff can determine that the final project design is in compliance with the terms of the certificate. The final design shall include all conditions of the certificate and references at the locations where the Applicant and/or its contractors must adhere to a specific condition in order to comply with the certificate.
- (7) If any changes are made to the project layout after the submission of final engineering drawings, all changes shall be provided to Staff in hard copy and as geographically referenced electronic data. All changes outside the environmental survey areas and any changes within environmentally-sensitive areas will be subject to Staff review to ensure compliance with all conditions of the certificate, prior to construction in those areas.
- (8) Within 60 days after the commencement of commercial operation, the Applicant shall submit to Staff a copy of the as-built specifications for the entire facility. If the Applicant demonstrates that good cause prevents it from submitting a copy of the as-built specifications for the entire facility within 60 days after commencement of commercial operation, it may request an extension of time for the filing of such as-built specifications. The Applicant shall use reasonable efforts to provide as-built drawings in both hard copy and as geographically-referenced electronic data.
- (9) Prior to the commencement of construction activities that require permits or authorizations by federal or state laws and regulations, the Applicant shall obtain and comply with such permits or authorizations. The Applicant shall provide copies of permits and authorizations, including all supporting documentation, to Staff within seven days of issuance or receipt by the Applicant.
- (10) The certificate shall become invalid if the Applicant has not commenced a continuous course of construction of the proposed facility within five years of the date of journalization of the certificate.
- (11) As the information becomes known, the Applicant shall provide to Staff the date on which construction will begin, the date on which construction was completed, and the date on which the facility begins commercial operation.

- (12) Prior to commencement of construction, the Applicant shall develop a public information program that informs affected property owners of the nature of the project, specific contact information of Applicant personnel who are familiar with the project, the proposed timeframe for project construction, and a schedule for restoration activities. Notification to property owners shall be given at least 30 days prior to work on the affected property.
- (13) The Applicant shall avoid, where possible, or minimize to the maximum extent practicable, any damage to field tile drainage systems and soils resulting from construction, operation, and/or maintenance of the facility in agricultural areas. Damaged field tile systems shall be promptly repaired to at least original conditions at the Applicant's expense. If applicable, excavated topsoil shall be segregated and restored in accordance with the Applicant's lease agreement with the landowner. Severely compacted soils shall be plowed or otherwise decompacted, if necessary, to restore them to original conditions unless otherwise agreed to by the landowner.
- (14) Prior to construction, the Applicant shall finalize coordination of the assessment of potential effects of the Preferred Route on cultural resources, if any, with Staff and the Ohio Historic Preservation Office. If the resulting coordination discloses a find of cultural significance, or inclusion in the National Register of Historic Places, then the Applicant shall submit an amendment, modification, or mitigation plan to Staff to ensure compliance with this condition. Any such mitigation effort shall be developed in coordination with the Ohio Historic Preservation Office and submitted to Staff for review.
- (15) If either alternate route is certificated by the Board, then prior to construction the Applicant shall conduct a Phase I archaeological survey and an assessment of potential impacts to historical and architectural resources along that route. If the architectural survey discloses a find of cultural or architectural significance, or a structure that could be eligible for inclusion in the National Register of Historic Places, then the Applicant shall submit an amendment, modification, or mitigation plan. Any such mitigation effort shall be developed in coordination with the Ohio Historic Preservation Office and submitted to Staff to ensure compliance with this condition.
- (16) The Applicant shall coordinate with the landowner north of the northern access drive to the Veterans Administration Hospital to explore options that would avoid the need to remove the tree line along the access drive.
- (17) For both construction and future right-of-way maintenance, the Applicant shall limit, to the greatest extent possible, the use of herbicides in

proximity to surface waters, including wetlands along the right-of-way. Individual treatment of tall-growing woody plant species is preferred, while general, widespread use of herbicides during initial clearing or future right-of-way maintenance should only be used where no other options exist, and with prior approval from the Ohio Environmental Protection Agency. Prior to commencement of construction, the Applicant shall submit a plan to Staff for review and confirmation that it complies with this condition, describing the planned herbicide use for all areas in or near any surface waters during initial project construction and/or future right-of-way maintenance.

- (18) The Applicant shall provide a construction access plan for review prior to the preconstruction conference. The plan would consider the location of streams, wetlands, wooded areas, and sensitive plant species, as identified by the Ohio Department of Natural Resources Division of Wildlife, and explain how impacts to all sensitive resources will be avoided or minimized during construction, operation, and maintenance. The plan would include the measures to be used for restoring the area around all temporary access points, and a description of any long-term stabilization required along permanent access routes.
- (19) The Applicant shall provide a vegetation management plan for review prior to the preconstruction conference. The plan will identify all areas of proposed vegetation clearing for the project, specifying the extent of the clearing, and describing how such clearing work will be done so as to minimize removal of woody vegetation, including along stream banks.
- (20) The Applicant shall have a qualified environmental specialist on-site during construction activities that may affect sensitive areas, as mutually agreed upon between the Applicant and Staff, and as shown on the Applicant's final approved construction plan. Sensitive areas include, but are not limited to, areas of vegetation clearing, designated wetlands and streams, and locations of threatened or endangered species or their identified habitat. The environmental specialist shall be familiar with water quality protection issues and potential threatened or endangered species of plants and animals that may be encountered during project construction.
- (21) The Applicant shall contact Staff, the Ohio Department of Natural Resources, and the U.S. Fish and Wildlife Service within 24 hours if state or federal threatened or endangered species are encountered during construction activities. Construction activities that could adversely impact the identified plants or animals shall be halted until an appropriate course of action has been agreed upon by the Applicant, Staff, and the Ohio Department of Natural Resources in coordination with the U.S. Fish and Wildlife Service. Nothing in this condition shall preclude agencies having

jurisdiction over the facility with respect to threatened or endangered species from exercising their legal authority over the facility consistent with law.

- (22) The Applicant shall adhere to seasonal cutting dates of October 1 to March 31 for the removal of suitable Indiana bat habitat trees, if avoidance measures cannot be achieved.
- (23) If in-water work is planned in streams or water bodies listed in Appendix A of the Ohio Mussel Survey Protocol or streams with a watershed of 102 miles or larger above the impact point that are not listed in Appendix A of the protocol, the Applicant shall provide information to indicate no mussel impacts would occur. If this is not possible, the Applicant shall retain a professional malacologist to conduct a mussel survey on impacted streams in the project area. If mussels that cannot be avoided are found in the project area, a professional malacologist shall collect and relocate the mussels to suitable and similar habitat. These surveys and any subsequent mussel relocation shall be done in accordance with the Ohio Mussel Survey Protocol, and because there is the potential for federal listed mussels to occur within the project area, the U.S. Fish and Wildlife Service shall also be contacted for consultation.
- (24) The Applicant shall not conduct in-water work in perennial streams from April 15 to June 30 to reduce impacts to indigenous aquatic species and their habitat.
- (25) The Applicant shall avoid stream fords through the use of timber mats or other temporary bridge structures.
- (26) Prior to commencement of construction activities that require transportation permits, the Applicant shall obtain all such permits. The Applicant shall coordinate with the appropriate authority regarding any temporary or permanent road closures, lane closures, road access restrictions, and traffic control necessary for construction and operation of the proposed facility. Coordination shall include, but not be limited to, the county engineer, Ohio Department of Transportation, local law enforcement, and health and safety officials. This coordination shall be detailed as part of a final traffic plan submitted to Staff prior to the preconstruction conference for review and confirmation that it complies with this condition.
- (27) General construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m., or until dusk when sunset occurs after 7:00 p.m. Impact pile driving, hoe ram, and blasting operations, if required, shall be limited to the hours between 10:00 a.m. to 5:00 p.m., Monday through Friday. Construction activities that do not involve noise increases above ambient

levels at sensitive receptors are permitted outside of daylight hours when necessary. The Applicant shall notify property owners or affected tenants within the meaning of Rule 4906-5-08(C)(3), OAC, of upcoming construction activities including potential for nighttime construction activities.

- (28) The Applicant shall remove all temporary gravel and other construction staging area and access road materials after completion of construction activities, as weather permits, unless otherwise directed by the landowner. Impacted areas shall be restored to preconstruction conditions in compliance with the National Pollutant Discharge Elimination System permit(s) obtained for the project and the approved Storm Water Pollution Prevention Plan created for this project.
- (29) The Applicant shall not dispose of gravel or any other construction material during or following construction of the facility by spreading such material on agricultural land. All construction debris and all contaminated soil shall be promptly removed and properly disposed of in accordance with Ohio Environmental Protection Agency regulations.
- (30) The Applicant shall comply with any drinking water source protection plan for any part of the facility that is located within drinking water source protection areas of the local villages and cities.
- (31) That 30 days prior to any construction, the Applicant shall notify, in writing, any owner of an airport located within 20 miles of the facility boundary, whether public or private, whose operations, operating thresholds/minimums, landing/approach procedures and/or vectors are expected to be altered by the siting, operation, or maintenance of the facility.
- (32) The Applicant shall coordinate with the Federal Aviation Administration and the Ohio Department of Transportation once final pole locations and heights are determined for this project. If the proposed pole locations and heights constitute a hazard to air navigation then further coordination with Staff shall be necessary before construction can commence.
- (33) At least seven days before the preconstruction conference, the Applicant shall submit to Staff, for review, a copy of all National Pollutant Discharge Elimination System permits including its approved Storm Water Pollution Prevention Plan, approved Spill Prevention, Control, and Countermeasure procedures, and its erosion and sediment control plan. Any soil issues must be addressed through proper design and adherence to the Ohio Environmental Protection Agency best management practices related to erosion and sedimentation control.

III. EXHIBITS

The Parties agree and stipulate that the following information has been filed in the docket and are to be marked and admitted into the record as exhibits of this proceeding and that cross-examination is waived thereon:

- AEP Ohio Transco Exhibit No. 1: The Application filed on January 8, 2013 together with the Supplements filed on May 5, 2014, July 18, 2014 and July 30, 2014 and certified as complete by the Board on August 27, 2014
- AEP Ohio Transco Exhibit No. 2: Proof of Publication filed on May 15, 2013
- AEP Ohio Transco Exhibit No. 3: Proof of Publication filed on October 31, 2014
- AEP Ohio Transco Exhibit No. 4: Proof of Publication filed on December 8, 2014
- Staff Exhibit No. 1: Staff Report of Investigation filed on December 1, 2014
- Joint Exhibit No. 1: This Joint Stipulation and Recommendation.

In deliberating the merits of the Application and reasonableness of this Stipulation, the Parties encourage the Board to review and consider all evidence and exhibits submitted and admitted in this case.

IV. OTHER STIPULATIONS

(1) This Joint Stipulation is expressly conditioned upon its acceptance by the Board without material modification. In the event the Board rejects or materially modifies all or part of this Joint Stipulation, or imposes additional conditions or requirements upon the Parties, each party shall have the right, within thirty (30) days of the Board's order, to file an application for rehearing with the Board. Each party shall have the right, within ten (10) days of the Board's entry on rehearing on the merits or denial by operation of law, to file a notice of termination and withdrawal of the Joint

Stipulation. Upon notice of termination and withdrawal of the Stipulation by any party, pursuant to the above provisions, the Joint Stipulation shall immediately become null and void, and any party to the Joint Stipulation shall be free to petition the Board or the Attorney Examiner for such additional process as may be necessary to address any of the remaining issues in this case. In such an event, a hearing shall go forward, and the Parties shall be afforded the opportunity to present evidence through witnesses, to cross-examine all witnesses, to present rebuttal testimony, and to file briefs on all issues.

(2) The Parties agree and recognize that this Joint Stipulation has been entered into only for the purpose of this proceeding. Each party agrees not to assert against another party in any proceeding before the Board or any court, other than in a proceeding to enforce the terms of this Joint Stipulation, that party's participation in this Joint Stipulation as support for any particular position on any issue. Each party further agrees that it will not use this Joint Stipulation as factual or legal precedent on any issue, except as may be necessary to support enforcement of this Joint Stipulation. The Parties request that the Board recognize that its use of this Joint Stipulation in any proceeding other than this proceeding is contrary to the intentions of the Parties in entering into this Joint Stipulation.

WHEREFORE, based upon the record, and the information and data contained therein, the Signatory Parties recommend that the Board issue a Certificate of Environmental Compatibility and Public Need for construction, operation and maintenance of the proposed Biers Run – Hopetown – Delano Transmission Line on the Preferred Route as described in the Supplements to the Application filed with the Board on July 18, 2014 and July 31, 2014, and subject to all conditions enumerated in this Joint Stipulation and Recommendation. The undersigned stipulate and represent that they are authorized to enter into this Joint Stipulation and Recommendation on this 23rd day of December, 2014.

Respectfully submitted,

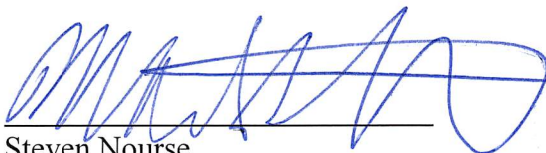


- per authority to MJS

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On behalf of AEP Ohio Transmission Company

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was served via electronic mail upon the individuals listed below this 23rd day of December, 2014.

//ss//Matthew Satterwhite
Matthew Satterwhite

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

Summary: Testimony electronically filed by Mr. Matthew J Satterwhite on behalf of AEP Ohio Transmission Company