

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF
AMERICAN TRANSMISSION SYSTEMS, INC.
FOR A FOURTH AMENDMENT TO ITS
CERTIFICATE ISSUED IN CASE NO. 12-1636-
EL-BTX.

CASE NO. 17-902-EL-BTA

ORDER ON CERTIFICATE

Entered into the Journal on July 6, 2017

I. SUMMARY

{¶ 1} The Ohio Power Siting Board, in considering the above-entitled matter, hereby issues an Order granting a certificate amendment in accordance with R.C. Chapter 4906.

II. DISCUSSION

A. *Procedural History*

{¶ 2} All proceedings before the Ohio Power Siting Board (Board) are conducted according to the provisions of R.C. Chapter 4906 and Ohio Adm.Code Chapter 4906-1 et seq.

{¶ 3} On August 25, 2014, the Ohio Power Siting Board (Board) granted American Transmission Systems, Inc. (ATSI or Applicant) a certificate to construct the Hayes-West Fremont 138 kilovolt (kV) transmission line in Sandusky and Erie counties, Ohio. *In re Hayes-West Fremont 138-kilovolt Transmission Line*, Case No. 12-1636-EL-BTX, (*Hayes-West Fremont Case*), Opinion and Order, and Certificate (Aug. 25, 2014).

{¶ 4} On July 29, 2016, ATSI filed applications in Case Nos. 16-1593-EL-BTA, 16-1594-EL-BTA, and 16-1595-EL-BTA to amend the certificate issued in the *Hayes-West Fremont Case*. In Case No. 16-1593-EL-BTA (16-1593-EL-BTA), ATSI proposed to add a second 138kV circuit on existing structures. In Case No. 16-1594-EL-BTA (16-1594-EL-BTA), ATSI proposed three adjustments to the route. In Case No. 16-1595-EL-BTA (16-1595-EL-BTA), ATSI proposed seven adjustments to the route. On March 2, 2017, the Board issued a

consolidated Order on Certificate approving the applications, subject to the conditions set forth in the *Hayes-West Fremont Case*, as modified through those amendment proceedings.

{¶ 5} On April 12, 2017, ATSI filed an application in the above-captioned case requesting to amend the certificate issued in the *Hayes-West Fremont Case*. Specifically, ATSI is proposing three adjustments to the originally certificated project, which is currently under construction. The Applicant submits that the proposed adjustments can be made with no or minimal increases to the overall project's impacts and are expected to reduce the impacts to individual property owners. (Application at 1-2.)

{¶ 6} In accordance with Ohio Adm.Code 4906-6-07, ATSI served copies of the application upon local officials and filed proof of publication with the Board on April 26, 2017. Notice of the application was published in the *Fremont News Messenger* and *Sandusky Register* on April 13, 2017.

{¶ 7} On May 19, 2017, the Board's Staff (Staff) filed a report evaluating ATSI's application.

B. Applicable Law

{¶ 8} ATSI is a corporation and a person under R.C. 4906.01(A) and is certificated to construct, operate, and maintain a major utility facility, in the form of a 138kV transmission line, under R.C. 4906.10 in accordance with the Board's Order in the *Hayes-West Fremont Case*.

{¶ 9} 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 4906-3 prescribing regulations regarding applications for major utility facilities and amendments to certificates.

{¶ 10} 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 4906-3-09 and 4906-3-11.

C. Summary of Application

{¶ 11} In its application, ATSI proposes three adjustments to the certificated Hayes-West Fremont transmission line project, noting that the adjustments are being proposed to accommodate property owner requests and to reduce the overall project impacts. The original route centerline would be moved approximately 40 feet to the northeast and trend in a southeastern direction for a distance of 0.07 miles as a result of the first adjustment. The second adjustment shifts the approved route approximately 0.05 miles south for a distance of 0.88 miles. The third adjustment involves moving the alignment approximately 0.02 miles to the northwest for a distance of 0.87 miles.

D. Summary of Staff Report

{¶ 12} Staff reviewed the pending application and filed a Staff Report on May 19, 2017. Upon its review, Staff notes that the Applicant has previously obtained all needed easements that encompass the proposed route alignment modifications and the proposed adjustments are not expected to significantly alter existing land uses, including agricultural land, or to substantially change the estimated capital costs for the project. Staff also explains that no significant effects on cultural resources are expected as a result of these alignment modifications. Further, Staff states that impacts to streams and wetlands would not be significantly altered by the proposed amendment, as Staff only anticipates a slight reduction of approximately 0.09 acres in total stream and wetland impacts. Additionally, Staff notes that the project’s ecological impacts are not expected to substantially change. Therefore,

Staff concludes that the amendment application meets the necessary criteria for granting an amended certificate and recommends that the Board approve the proposed amendment to the certificate, with the condition that ATSI adhere to all applicable conditions in the *Hayes-West Fremont Case*, consistent with the consolidated order issued in 16-1593-EL-BTA, 16-1594-EL-BTA, and 16-1595-EL-BTA.

E. Board's Conclusion

{¶ 13} Upon a review of the record, the Board finds, pursuant to R.C. 4906.10(A), that the proposed adjustments of the Hayes-West Fremont 138kV transmission line project promote the public convenience and necessity and will not result in any additional significant adverse social or environmental impacts. Furthermore, the adjustments do 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 *Hayes-West Fremont Case*, as modified by 16-1593-EL-BTA, 16-1594-EL-BTA, and 16-1595-EL-BTA, should be amended to allow ATSI to adjust the facility location, conditioned upon compliance with the applicable conditions set forth in the orders in the *Hayes-West Fremont Case*, 16-1593-EL-BTA, 16-1594-EL-BTA, and 16-1595-EL-BTA, except as modified through this proceeding.

F. Findings of Fact and Conclusions of Law

{¶ 14} ATSI is a corporation and a person under R.C. 4906.01(A).

{¶ 15} The Hayes-West Fremont 138kV transmission line project is a major utility facility under R.C. 4906.01(B)(2).

{¶ 16} On April 12, 2017, ATSI filed an application to amend the certificate issued in the *Hayes-West Fremont Case*, which involves the Hayes-West Fremont 138kV transmission line project.

{¶ 17} The application proposes three adjustments to the certificated route of the transmission line to accommodate requests of directly impacted property owners and potentially decrease the project's overall impact.

{¶ 18} In accordance with R.C. 4906.06 and Ohio Adm.Code 4906-3-11, copies of the application were served upon local government officials.

{¶ 19} On May 19, 2017, Staff filed a report evaluating the application.

{¶ 20} The proposed changes to the certificated facility do not result in a substantial change in the location of the facility or any material increase in any social or environmental impact. Therefore, an evidentiary hearing is not necessary.

{¶ 21} Based on the record, and in accordance with R.C. Chapter 4906, the application regarding the certificate of environmental compatibility and public need issued in the *Hayes-West Fremont Case*, as modified in 16-1593-EL-BTA, 16-1594-EL-BTA, and 16-1595-EL-BTA, should be amended to permit construction, operation, and maintenance of the Hayes-West Fremont 138kV transmission line project, consistent with the changes set forth in this Order and subject to the applicable conditions set forth in the *Hayes-West Fremont Case* and 16-1593-EL-BTA, 16-1594-EL-BTA, and 16-1595-EL-BTA.

III. ORDER

{¶ 22} It is, therefore,

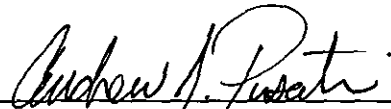
{¶ 23} ORDERED, That the application filed by ATSI to amend the certificate of environmental compatibility and public need issued in the *Hayes-West Fremont Case* for the Hayes-West Fremont 138kV transmission line project be granted, as described in this Order and subject to the conditions set forth in the *Hayes-West Fremont Case*, 16-1593-EL-BTA, 16-1594-EL-BTA, 16-1595-EL-BTA, and this Order. It is, further,

{¶ 24} ORDERED, That a copy of this Order on Certificate be served upon all parties and interested persons of record.

THE OHIO POWER SITING BOARD



Asim Z. Haque, Chairman
Public Utilities Commission of Ohio



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



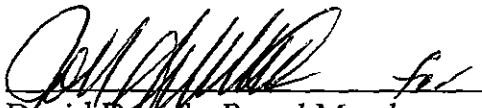
James Zehringer, Board Member
and Director of the Ohio
Department of Natural Resources



Lance Himes, Board Member
and Director of the Ohio
Department of Health



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



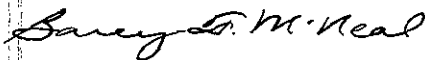
David Daniels, Board Member
and Director of the Ohio
Department of Agriculture

Jeffrey J. Lechak, Board Member
and Public Member

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Barcy F. McNeal
Secretary