



Ohio Department of Natural Resources

JOHN R. KASICH, GOVERNOR

JAMES ZEHRINGER, DIRECTOR

Office of Real Estate

Paul R. Baldrige, Chief
2045 Morse Road – Bldg. E-2
Columbus, OH 43229
Phone: (614) 265-6649
Fax: (614) 267-4764

February 28, 2017

Mary Cargill
FirstEnergy
76 South Main Street
Akron, Ohio 44308

Re: 17-075; Lemoyne-Midway 138 kV Reconductor Project

Project: The project involves reconductoring the existing transmission line and the placement of intermediate structures at various locations within the existing transmission line right-of-way.

Location: The proposed project is located in Washington, Providence, Waterville, Middleton, Webster, and Troy Townships in Henry, Lucas, and Wood Counties, Ohio.

The Ohio Department of Natural Resources (ODNR) has completed a review of the above referenced project. These comments were generated by an inter-disciplinary review within the Department. These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the National Environmental Policy Act, the Coastal Zone Management Act, Ohio Revised Code and other applicable laws and regulations. These comments are also based on ODNR's experience as the state natural resource management agency and do not supersede or replace the regulatory authority of any local, state or federal agency nor relieve the applicant of the obligation to comply with any local, state or federal laws or regulations.

Natural Heritage Database: The Natural Heritage Database has the following records at or within a one-mile radius of the project area:

Purple triple-awed grass (*Aristida purpurascens*), P
Prairie brome (*Bromus kalmia*), P
Golden-fruited sedge (*Carex aurea*), P
Field sedge (*Carex conoidea*), T
Little yellow sedge (*Carex cryptolepis*), P
Slender sedge (*Carex lasiocarpa*), P
Long-bracted orchid (*Coeloglossum viride*), E
Sweet-fern (*Comptonia peregrina*), E
Tansy mustard (*Descurainia pinnata*), P
Great lakes goldenrod (*Euthamia remota*), T
Fringed gentian (*Gentianopsis crinita*), P
Small fringed gentian (*Gentianopsis procera*), P
Rough pennyroyal (*Hedeoma hispida*), P
Plains frostweed (*Helianthemum bicknellii*), P
Kalm's St. John's-wort (*Hypericum kalmianum*), T
Thyme-leaved pinweed (*Lechea minor*), T

Hairy pinweed (*Lechea villosa*), P
 Wood lily (*Lilium philadelphicum*), E
 Drummond's dwarf bulrush (*Lipocarpus drummondii*), E
 Dwarf bulrush (*Lipocarpus micrantha*), T
 Wild lupine (*Lupinus perennis*), P
 Rock sandwort (*Minuartia michauxii*), P
 Prairie rattlesnake-root (*Prenanthes racemosa*), P
 Sand cherry (*Prunus pumila* var. *cuneata*), E
 Blue-leaved willow (*Salix myricoides*), P
 Slender willow (*Salix petiolaris*), T
 Tall nut-rush (*Scleria triglomerata*), P
 Showy goldenrod (*Solidago speciosa*), P
 Shining ladies'-tresses (*Spiranthes lucida*), P
 Bushy aster (*Symphotrichum dumosum*), T
 Lance-leaved violet (*Viola lanceolata*), P
 Twigrush sedge wet prairie plant community
 Spotted turtle (*Clemmys guttata*), T
 Blanding's turtle (*Emydoidea blandingii*), T, FSC
 Plains Clubtail (*Gomphus externus*), E
 Four-toed salamander (*Hemidactylium scutatum*), SC
 Mourning warbler (*Oporornis philadelphia*), SI
 Great blue heron rookery
 Lady's Slipper Railroad Ditch Conservation Site
 Maumee State Scenic River
 Missionary Island Wildlife Area – ODNR Division of Wildlife
 Maumee State Forest – ODNR Division of Forestry
 Bend View Metropark – Toledo Metro Park District
 Farnsworth Metropark – Toledo Metro Park District

The review was performed on the project area you specified in your request as well as an additional one-mile radius. Records searched date from 1980. This information is provided to inform you of features present within your project area and vicinity. Additional comments on some of the features may be found in pertinent sections below.

Please note that Ohio has not been completely surveyed and we rely on receiving information from many sources. Therefore, a lack of records for any particular area is not a statement that rare species or unique features are absent from that area. Although all types of plant communities have been surveyed, we only maintain records on the highest quality areas.

Statuses are defined as: E = state endangered; T = state threatened; P = state potentially threatened; SC = state species of concern; SI = state special interest; A = species recently added to state inventory, status not yet determined; X = presumed extirpated in Ohio; FE = federal endangered, FT = federal threatened, FSC = federal species of concern, FC = federal candidate species.

Fish and Wildlife: The Division of Wildlife (DOW) has the following comments.

The DOW recommends that impacts to streams, wetlands and other water resources be avoided and minimized to the fullest extent possible, and that best management practices be utilized to minimize erosion and sedimentation.

The project is within the range of the Indiana bat (*Myotis sodalis*), a state endangered and federally endangered species. The following species of trees have relatively high value as potential Indiana bat roost trees: shagbark hickory (*Carya ovata*), shellbark hickory (*Carya laciniosa*), bitternut hickory (*Carya cordiformis*), black ash (*Fraxinus nigra*), green ash (*Fraxinus pennsylvanica*), white ash (*Fraxinus americana*), shingle oak (*Quercus imbricaria*), northern red oak (*Quercus rubra*), slippery elm (*Ulmus rubra*), American elm (*Ulmus americana*), eastern cottonwood (*Populus deltoides*), silver maple (*Acer saccharinum*), sassafras (*Sassafras albidum*), post oak (*Quercus stellata*), and white oak (*Quercus alba*). Indiana bat roost trees consists of trees that include dead and dying trees with exfoliating bark, crevices, or cavities in upland areas or riparian corridors and living trees with exfoliating bark, cavities, or hollow areas formed from broken branches or tops. However, Indiana bats are also dependent on the forest structure surrounding roost trees. If suitable habitat occurs within the project area, the DOW recommends trees be conserved. If suitable habitat occurs within the project area and trees must be cut, the DOW recommends cutting occur between October 1 and March 31. If suitable trees must be cut during the summer months, the DOW recommends a net survey be conducted between June 1 and August 15, prior to any cutting. Net surveys should incorporate either nine net nights per square 0.5 kilometer of project area, or four net nights per kilometer for linear projects. If no tree removal is proposed, this project is not likely to impact this species.

The project is within the snuffbox (*Epioblasma triquetra*), a state endangered and federally endangered mussel, the eastern pondmussel (*Ligumia nasuta*), a state endangered mussel, the range of the rayed bean (*Villosa fabalis*), a state endangered and federally endangered mussel, the pondhorn (*Unio merus tetralasmus*), a state threatened mussel, the black sandshell (*Ligumia recta*), a state threatened mussel, the fawnsfoot (*Truncilla donaciformis*), a state threatened mussel, and the threehorn wartyback (*Obliquaria reflexa*), a state threatened mussel. Due to the location, and that there is no in-water work proposed in a perennial stream of sufficient size, this project is not likely to impact these species. Please note that this project has been reviewed with the understanding that there is no in-water work proposed in the Maumee River.

The project is within the range of the western banded killifish (*Fundulus diaphanus menona*), a state endangered fish, the lake sturgeon (*Acipenser fulvescens*), a state endangered fish, the channel darter (*Percina copelandi*), a state threatened fish, the American eel (*Anguilla rostrata*), a state threatened fish, and the greater redhorse (*Moxostoma valenciennesi*), a state threatened fish. The DOW recommends no in-water work from April 15 to June 30 to reduce impacts to indigenous aquatic species and their habitat.

The project is within the range of the Blanding's turtle (*Emydoidea blandingii*), a state threatened species. This species inhabits marshes, ponds, lakes, streams, wet meadows, and swampy forests. Although essentially aquatic, the Blanding's turtle will travel over land as it moves from one wetland to the next. Due to the location, the type of habitat along the project route and within the vicinity of the project area, and the type of work proposed, this project is not likely to impact this species.

The project is within the range of the spotted turtle (*Clemmys guttata*), a state threatened species. This species prefers fens, bogs and marshes, but also is known to inhabit wet prairies, meadows, pond edges, wet woods, and the shallow sluggish waters of small streams and ditches. Due to the location, the type of habitat along the project route and within the vicinity of the project area, and the type of work proposed, this project is not likely to impact this species.

The project is within the range of the Kirtland's snake (*Clonophis kirtlandii*), a state threatened species. This secretive species prefers wet fields and meadows. Due to the location, the type of

habitat along the project route and within the vicinity of the project area, and the type of work proposed, this project is not likely to impact this species.

The project is within the range of the blue-spotted salamander (*Ambystoma laterale*), a state endangered species. Due to the location, the type of habitat along the project route and within the vicinity of the project area, and the type of work proposed, this project is not likely to impact this species.

The project is within the range of the piping plover (*Charadrius melodus*), a state endangered, and federally endangered bird, and the Kirtland's warbler (*Setophaga kirtlandii*), a state endangered and federally endangered bird. These species do not nest in the state but only utilize stopover habitat as they migrate through the region. Due to the location, and the type of work proposed, this project is not likely to impact these species.

The project is within the range of the American bittern (*Botaurus lentiginosus*), a state endangered bird. Nesting bitterns prefer large undisturbed wetlands that have scattered small pools amongst dense vegetation. They occasionally occupy bogs, large wet meadows, and dense shrubby swamps. If this type of habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of May 1 to July 31. If this type of habitat will not be impacted, this project is not likely to impact this species.

The project is within the range of the black tern (*Chlidonias niger*), a state endangered bird. The black tern prefers large, undisturbed inland marshes with fairly dense vegetation and pockets of open water. They nest in various kinds of marsh vegetation but cattail marshes are generally favored. Nests are built on top of muskrat houses or on top of floating vegetation. If this type of habitat will be impacted, construction should be avoided in this habitat from April 1 to June 30 to reduce impacts to this species. If this type of habitat will not be impacted, this project is not likely to impact this species.

The project is within the range of the common tern (*Sterna hirundo*), a state endangered bird. The preferred nesting sites of common terns are natural or man-made islands that are free of mammalian predators and human disturbance. They will also utilize mainland beaches and dredge disposal areas but only when islands are unavailable. The common tern nests in colonies. Their eggs are laid in a grass-lined depression in the sand. If this type of habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of May 1 to August 1. If this type of habitat will not be impacted, this project is not likely to impact this species.

The project is within the range of the king rail (*Rallus elegans*), a state endangered bird. Nests for this species are deep bowls constructed out of grass and usually hidden very well in marsh vegetation. If this type of habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of May 1 to August 1. If this type of habitat will not be impacted, this project is not likely to impact this species.

The project is within the range of the cattle egret (*Bubulcus ibis*), a state endangered bird. Cattle egrets are not strictly wetland birds. They often forage in dry pastures and fields. Egrets nest in colonies and will build a nest out of sticks and other materials wherever it can be supported. If this type of habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of May 15 to August 15. If no wetland habitat will be impacted, this project is not likely to impact this species.

The project is within the range of the lark sparrow (*Chondestes grammacus*), a state endangered bird. This sparrow nests in grassland habitats with scattered shrub layers, disturbed open areas, as well as patches of bare soil. In the Oak Openings area west of Toledo, lark sparrows occupy open grass and shrubby fields along sandy beach ridges. These summer residents normally migrate out of Ohio shortly after their young fledge or leave the nest. If this type of habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of May 1 to June 30. If this type of habitat will not be impacted, this project is not likely to impact this species.

The project is within the range of the upland sandpiper (*Bartramia longicauda*), a state endangered bird. Nesting upland sandpipers utilize dry grasslands including native grasslands, seeded grasslands, grazed and ungrazed pasture, hayfields, and grasslands established through the Conservation Reserve Program (CRP). If this type of habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of April 15 to July 31. If this type of habitat will not be impacted, this project is not likely to impact this species.

The project is within the range of the northern harrier (*Circus cyaneus*), a state endangered bird. This is a common migrant and winter species. Nesters are much rarer, although they occasionally breed in large marshes and grasslands. Harriers often nest in loose colonies. The female builds a nest out of sticks on the ground, often on top of a mound. Harriers hunt over grasslands. If this type of habitat will be impacted, construction should be avoided in this habitat during the species' nesting period of May 15 to August 1. If this habitat will not be impacted, this project is not likely to impact this species.

Due to the potential of impacts to federally listed species, as well as to state listed species, we recommend that this project be coordinated with the U.S. Fish & Wildlife Service.

Water Resources: The Division of Water Resources has the following comment.

The local floodplain administrator should be contacted concerning the possible need for any floodplain permits or approvals for this project. Your local floodplain administrator contact information can be found at the website below.

<http://water.ohiodnr.gov/water-use-planning/floodplain-management#PUB>

ODNR appreciates the opportunity to provide these comments. Please contact John Kessler at (614) 265-6621 if you have questions about these comments or need additional information.

John Kessler
ODNR Office of Real Estate
2045 Morse Road, Building E-2
Columbus, Ohio 43229-6693
John.Kessler@dnr.state.oh.us

CARGILL, MARY E (Humphrys, Scott M)

From: Nathan.Reardon@dnr.state.oh.us
Sent: Tuesday, April 11, 2017 8:22 AM
To: CARGILL, MARY E (Humphrys, Scott M); sarah.tebbe@dnr.state.oh.us
Cc: John.Kessler@dnr.state.oh.us; Everard, Robert; Susick, Kristin S
Subject: RE: *EXTERNAL* 17-075; FirstEnergy -Lemoyne-Midway 138 kV Reconductor Project Comments

Mary,

Thank you for providing the map and photo. After review, the DOW concurs that the eight bird species listed below are not likely to be impacted by work within wetland 4. However, as with any wetland, work within wetland 4 should be minimized as much as possible. If you have any questions, please let me know.

Thank you,
Nathan

Nathan Reardon
Compliance Coordinator
ODNR - Division of Wildlife
2045 Morse Road, Bldg. G
Columbus, OH 43229-6693
Phone: 614-265-6741
Email: nathan.reardon@dnr.state.oh.us

From: CARGILL, MARY E (Humphrys, Scott M) [mailto:mcargill@firstenergycorp.com]
Sent: Monday, April 10, 2017 9:51 AM
To: Tebbe, Sarah <sarah.tebbe@dnr.state.oh.us>
Cc: Kessler, John <John.Kessler@dnr.state.oh.us>; Reardon, Nathan <Nathan.Reardon@dnr.state.oh.us>; Everard, Robert <reverard@burnsmcd.com>; Susick, Kristin S <kssusick@firstenergycorp.com>
Subject: RE: *EXTERNAL* 17-075; FirstEnergy -Lemoyne-Midway 138 kV Reconductor Project Comments

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Sarah,

Attached is a photograph of wetland 4 along with mapping showing the location of the wetland with respect to the existing transmission line corridor. The wetland is located generally at 41.475675, -83.525029.

Thank you,

Mary Cargill
Mcargill@firstenergycorp.com
D: 330-761-2308
C: 330-419-9773

From: sarah.tebbe@dnr.state.oh.us [<mailto:sarah.tebbe@dnr.state.oh.us>]
Sent: Friday, April 07, 2017 3:36 PM
To: CARGILL, MARY E (Humphrys, Scott M) <mcargill@firstenergycorp.com>
Cc: John.Kessler@dnr.state.oh.us; Nathan.Reardon@dnr.state.oh.us
Subject: FW: *EXTERNAL* 17-075; FirstEnergy -Lemoyne-Midway 138 kV Reconductor Project Comments

Hi Mary,

Could you please provide some additional location information for wetland 4? Also, can you send the photo that is referenced?

Thanks,

Sarah Tebbe
Ohio Department of Natural Resources
Office of Real Estate
2045 Morse Road
Columbus, Ohio 43229
(614) 265-6397



From: Reardon, Nathan
Sent: Friday, April 07, 2017 10:43 AM
To: Tebbe, Sarah <sarah.tebbe@dnr.state.oh.us>
Subject: RE: *EXTERNAL* 17-075; FirstEnergy -Lemoyne-Midway 138 kV Reconductor Project Comments

Hey Sarah,

Can you request a map or coordinates of wetland 4? There is a photo referenced below that I don't find attached. Thanks.

Nathan Reardon
Compliance Coordinator
ODNR - Division of Wildlife
2045 Morse Road, Bldg. G
Columbus, OH 43229-6693
Phone: 614-265-6741
Email: nathan.reardon@dnr.state.oh.us

From: Tebbe, Sarah
Sent: Thursday, April 06, 2017 10:09 AM
To: Reardon, Nathan <Nathan.Reardon@dnr.state.oh.us>
Cc: Kessler, John <John.Kessler@dnr.state.oh.us>
Subject: FW: *EXTERNAL* 17-075; FirstEnergy -Lemoyne-Midway 138 kV Reconductor Project Comments

Good Morning Nate,

Looks like they are requesting additional concurrence below. Please Cc John and I on any determination response.

Thanks,

Sarah Tebbe
Ohio Department of Natural Resources
Office of Real Estate
2045 Morse Road
Columbus, Ohio 43229
(614) 265-6397



From: CARGILL, MARY E (Humphrys, Scott M) [<mailto:mcargill@firstenergycorp.com>]
Sent: Thursday, April 06, 2017 9:39 AM
To: Tebbe, Sarah <sarah.tebbe@dnr.state.oh.us>; Kessler, John <John.Kessler@dnr.state.oh.us>
Cc: Susick, Kristin S <kssusick@firstenergycorp.com>; Everard, Robert <reverard@burnsmcd.com>
Subject: RE: *EXTERNAL* 17-075; FirstEnergy -Lemoyne-Midway 138 kV Reconductor Project Comments

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Sarah and John,

Please see the additional comments below in response to the ODNR comment letter dated February 28, 2017 (RE: 17-075; Lemoyne-Midway 138 kV Reconductor Project).

To minimize land disturbance activities during the reconductoring of the existing transmission line, ATSI has elected to perform much of the activities via helicopter, thus reducing the need for vehicular access along the Project corridor. However, there are some instances where vehicles will need to access the maintained transmission line right-of-way (ROW) to perform the necessary reconductoring activities, as well as to reinforce some of the existing structures. Most of these areas occur in cultivated lands; however, one structure that will need to be accessed occurs in a palustrine emergent (PEM) wetland* located within the maintained and existing transmission line ROW. The structure at this location will need reinforcement and will require vehicles (i.e. bucket truck) to access the structure in order to perform the necessary work on the tower. We would expect reinforcement activities at this structure location not to take more than a few days to complete. To protect the wetland during construction, matting will be used where vehicle access is needed.

* Wetland 4 (W-4). W-4 is a PEM wetland. Only a 1.67-acre portion of this wetland occurs within the transmission line ROW. This wetland also occurs outside of the ROW on adjacent land. Reed canary grass was the dominant vegetation with this wetland. Wetland hydrology was indicated by a concave geomorphic position and the presence of drainage patterns. Hydric soil was indicated by the presence of a redox dark surface.

Based on the ODNR response dated February 28, 2017, there are several avian species that were noted as potentially having suitable nesting habitat within the Project area. As a result, we've provided a response for those species where you indicated a concern if construction is to occur within their preferred habitats during their nesting season.

American Bittern: Most nests placed among dense emergent vegetation (standing cattails, bulrushes and sedges) over water 5–20 cm in depth. At the time of the delineation (fall 2016; photo provided), this habitat was not present within the wetland as it was dominated by reed canary grass and no standing water was present. As a result, suitable American bittern nesting habitat is unlikely to occur within this maintained ROW location.

Black Tern: Nests are overwater in areas of still water, usually with 25–75% of surface covered with emergent vegetation. Dead vegetation is arranged into small pile with shallow cup, which may be saturated with moisture. At the time of the delineation this habitat was not present within the wetland as it was dominated by reed canary grass and no standing water was present. As a result, suitable black tern nesting habitat is unlikely to occur within this maintained ROW location.

Cattle Egrets: In North America, there are 4 major types of nesting colonies: (1) woodlands: upland woods or motts with or without understory and with or without adjacent streams or ponds; (2) swamps: trees and shrubs in water; (3) inland wooded islands: trees and shrubs on islands in inland waters; and (4) coastal islands: trees, shrubs, and herbaceous vegetation on natural islands and dredge-material deposit islands. At the time of the delineation this type of habitat was not present within the wetland as it was dominated by reed canary grass, and very little woody vegetation was present within the maintained transmission line ROW. As a result, suitable cattle egret nesting habitat is unlikely to occur within this maintained ROW location.

Common Tern: Nests on ground, primarily in open areas with loose substrate (sand, gravel, shell, or cobble), but with scattered vegetation or other cover in which chicks can shelter within each nesting territory. Such areas found on many coastal or lake islands and beaches. The subject area doesn't include suitable beach habitat for common terns to nest.

King Rail: Nests in shallow water marshes; broad roadside ditches with cattails, grasses, and sedges; rice fields; and occasionally shrub swamps and upland fields near water. At the time of the delineation there was no shallow marsh type habitat present. Based on this species preferred nesting habitat and the nature of the subject area, it is unlikely that the king rail would use this maintained ROW for nesting.

Lark Sparrow: Nests on bare ground, in hollow depression, or in shrub or tree up to 2.75 m from ground. There is potential nesting habitat at site for this species; however, it is unlikely to nest at this location due to the relatively small size of potential nesting area, amount of nearby disturbance from agricultural practices and rural residences, and potential for predation from natural predators and stray pets. As a result, it is unlikely that this species would be impacted by the limited construction activities at the subject location.

Upland Sandpiper: Nests only on ground; with no clear preference over their breeding range. Potential for nesting at site; however, unlikely due to the relatively small size of potential nesting area, amount of nearby disturbance from agricultural practices and rural residences, and potential for predation from natural predators and stray pets. As a result, it is unlikely that this species would be impacted by the limited construction activities at the subject location.

Northern Harrier: Nests on the ground, usually in tall, dense clumps of vegetation, either alone or in loose colonies. Potential for nesting at site; however, unlikely because this species rarely nests in the region, the relatively small size of potential nesting area, amount of nearby disturbance from agricultural practices and rural residences, and potential for predation from natural predators and stray pets. As a result, it is unlikely that this species would be impacted by the limited construction activities at the subject location.

Based on the information provided above, we request ODNR concurrence that the proposed undertaking will not adversely affect any threatened or endangered species.

Thank you,

Mary Cargill
Mcargill@firstenergycorp.com
D: 330-761-2308
C: 330-419-9773

From: sarah.tebbe@dnr.state.oh.us [<mailto:sarah.tebbe@dnr.state.oh.us>]
Sent: Tuesday, February 28, 2017 2:52 PM
To: CARGILL, MARY E (Humphrys, Scott M) <mcargill@firstenergycorp.com>
Cc: John.Kessler@dnr.state.oh.us
Subject: *EXTERNAL* 17-075; FirstEnergy -Lemoyne-Midway 138 kV Reconductor Project Comments

Hi Mary,

Please see the attached comments.

Thanks,

Sarah Tebbe
Ohio Department of Natural Resources
Office of Real Estate
2045 Morse Road
Columbus, Ohio 43229
(614) 265-6397



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Case No(s). 17-1566-EL-BLN

Summary: Application (Part 7) for the Dowling-Midway 138kV Transmission Line Reconductor Project filed by FirstEnergy, S. Humphrys electronically filed by Docketing Staff on behalf of Docketing