

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Letter of Notification Application        )**  
**of AEP Ohio Transmission Company for the Ware                ) 17-0813-EL-BLN**  
**Road-Seaman 138 KV Transmission Line Project                )**

Members of the Board:

Chairman, Public Utilities Commission	Ohio House of Representatives
Director, Development Services Agency	Ohio Senate
Director, Department of Health	
Director, Department of Agriculture	
Director, Environmental Protection Agency	
Director, Department of Natural Resources	
Public Member	

To the Honorable Power Siting Board:

Please review the attached Staff Report of Investigation, which has been filed in accordance with Ohio Power Siting Board (Board) rules. The accelerated certificate application in this case is subject to an automatic approval process as required by Section 4906.03 of the Ohio Revised Code.

Staff recommends the application for automatic approval on August 4, 2017, unless suspended by the Board's chairperson or an administrative law judge. If suspended, the Board must render a decision on the application within 90 days from the date of suspension.

Please present any concerns you or your designee may have with this case to my office at least four business days prior to August 4, 2017, which is the automatic approval date.

Sincerely,



Patrick Donlon  
Director, Rates and Analysis  
Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, Ohio 43215  
(614) 644-8932

## OPSB STAFF REPORT OF INVESTIGATION

**Case Number:** 17-0813-EL-BLN  
**Project Name:** Ware Road-Seaman 138 kV Transmission Line Project  
**Project Location:** Adams and Pike counties  
**Applicant:** AEP Ohio Transmission Company, Inc.  
**Application Filing Date:** May 5, 2017  
**Filing Type:** Letter of Notification  
**Inspection Date:** June 14 and 22, 2017  
**Report Date:** July 28, 2017  
**Recommended Automatic Approval Date:** August 4, 2017  
**Applicant's Waiver Requests:** none  
**Staff Assigned:** A. Conway, E. Morrison, B. Wolfe, G. Zeto, J. Cross

### Summary of Staff Recommendations (see discussion below):

Application: ☐ Approval ☐ Disapproval ☒ Approval with Conditions  
Waiver: ☐ Approval ☐ Disapproval ☒ Not Applicable

### Project Description

AEP Ohio Transmission Company, Inc. (AEP Ohio Transco or Applicant) proposes to rebuild approximately 28.2 miles of existing 138 kilovolt (kV) transmission line. This project is a subset of a larger 32.8-mile rebuild and will entail the replacement of 162 existing wood pole structures with new steel structures and replacement of conductors. The section of transmission line to be rebuilt begins at the Ware Road Substation, which is located between Ware Road and State Route 772 in Pebble Township, Pike County. It ends at the Seaman Substation, which is located near the junction of State Route 247 and Silcott Road in Scott Township, Adams County. The proposed project would be built in the existing transmission line right-of-way. The Applicant anticipates that construction of the project would begin in October 2017 and that the facility would be in service by December 2019. The estimated total cost of the project is \$30 million.

### Basis of Need

AEP Ohio Transco states that the project is needed to remediate outage and voltage concerns by replacing existing conductors and aging wood structures that have been prone to failure on the 69-year-old transmission line. Without the transmission line rebuild, AEP Ohio Transco may be unable to maintain electric system reliability in south-central Ohio. The Applicant states that the proposed project would improve reliability under select contingency conditions.

In response to Staff inquiries, the Applicant indicated that it plans to discuss the proposed project at a future PJM Interconnection, LLC (PJM) Transmission Expansion Advisory Committee meeting. The project would be issued a PJM upgrade ID, and the construction status of transmission projects would be able to be tracked on PJM's website.<sup>1</sup>

### *Socioeconomic Impacts*

The surrounding land use is a mix of pastures, fields, agricultural areas, old field, early successional woodland, and dispersed rural residential land uses. There are no agricultural district parcels located in the project area. No schools, parks, preserves, or wildlife management areas are located within 1,000 feet of the centerline of the project. Union Hill Church is located approximately 400 feet to the south of the right-of-way. The project would cross a small portion of Brush Creek State Forest. According to the Applicant, there currently are 206 residences within 1,000 feet of the centerline of the project.

The Applicant would gain access to the transmission line through its proposed construction access roads included in the Application. All of the proposed transmission line rebuild work for the project would occur within existing maintained right-of-way. During the investigation, Staff and the Applicant found that there are several residential and commercial developments that appear to have been built directly into the existing right-of-way. The Applicant is working to address these encroachments to meet the Applicant's standard right-of-way width of 100 feet. The Applicant would ensure that the project meets all National Electrical Safety Code standards for clearance between the line sag and any encroaching structures. Staff agrees with the Applicant's stated intention to not construct in the areas where encroaching structures conflict with the easement agreement. Staff recommends that the Applicant resolve the encroachment issues prior to conducting construction activities in encroached areas and keep Staff apprised of the status of these encroachments at the preconstruction conference and through the construction schedule.

### **Nature of Impacts**

#### *Cultural Resources*

The Applicant completed a Phase I cultural resources investigation. The Applicant concluded that the project would not impact or affect any archaeological or historic property sites, and no further archaeological work is recommended. The Ohio Historic Preservation Office concurred.

#### *Surface Waters*

The survey corridor contains 85 streams including 21 perennial, 32 intermittent, and 32 ephemeral streams. No poles would be located in streams. No in-water work is planned, and no permanent impacts are anticipated.

The survey corridor contains 10 wetlands totaling 0.26 acre. These include five Category 2 wetlands and five Category 1 wetlands. None of the replacement structures would be located within wetlands, and no wetland fill is proposed for the project.

Preliminary construction access mapping shows wetland and stream crossings. The Applicant has committed to use timber matting to avoid permanent impacts to wetlands and streams. Erosion

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1. PJM Interconnection, LLC, "Transmission Construction Status," accessed July 28, 2017, <http://pjm.com/planning/rtep-upgrades-status/construct-status.aspx>.

control measures including silt fencing would be used where appropriate to minimize runoff impacts to stream channels.

The survey corridor contains eight ponds. No impacts to these resources are anticipated.

The Applicant would submit a Notice of Intent for coverage under the Ohio Environmental Protection Agency General National Pollutant Discharge Elimination System Permit.

One structure to be replaced and the associated access road would be within a floodplain area of Pike County. The Applicant states that they will coordinate with the local floodplain administrator.

The centerline crosses the Brush Creek State Forest. The Ohio Department of Natural Resources (ODNR) indicated that if access to Brush Creek State Forest land is necessary, those activities should be coordinated with the Forest Manager in order to obtain a special use permit. No structures or access is proposed within the boundaries of the Brush Creek State Forest.

#### *Threatened and Endangered Species*

The state and federal-listed species and/or their suitable habitat that may be found in the project area include the state and federal endangered Indiana bat (*Myotis sodalis*) and the federal threatened northern long-eared bat (*Myotis septentrionalis*). Limited tree clearing would be necessary for construction access. The U.S. Fish and Wildlife Service (USFWS) stated that Indiana bat presence has been confirmed in the project vicinity. It is the recommendation of the USFWS and the ODNR that removal of any trees greater than three inches in diameter only occur from October 1 through March 31. Further, the USFWS stated that if any caves or abandoned mines may be disturbed, further coordination with their office is requested to determine if fall or spring portal surveys are warranted.

The project is within the range of the timber rattlesnake (*Crotalus horridus horridus*), a state endangered species and a federal threatened species. The ODNR Division of Wildlife (DOW) recommends that a habitat suitability survey be conducted by an ODNR DOW-approved herpetologist to determine if suitable habitat is present along the project route. If suitable habitat is found to be present, the ODNR DOW recommends that a presence/absence survey be conducted, or an avoidance/minimization plan be developed by an ODNR DOW-approved herpetologist.

The project is within the range of the eastern spadefoot toad (*Scaphiopus holbrookii*), a state endangered species. The ODNR DOW recommends that a habitat suitability survey be conducted by an ODNR DOW-approved herpetologist to determine if suitable habitat is present along the project route. If suitable habitat is found to be present, the ODNR DOW recommends that a presence/absence survey be conducted, or an avoidance/minimization plan be developed by an ODNR DOW-approved herpetologist.

The project is within the range of the running buffalo clover (*Trifolium stoloniferum*). The Applicant has indicated that suitable habitat for this species exists within the project area. Staff recommends that the Applicant coordinate survey efforts with the USFWS and Staff prior to construction to ensure impacts are avoided.

The project is within the range of numerous listed fish and mussel species. Due to the project location, and because no in-water work is proposed for this project, no impacts to these species are anticipated. The Applicant has committed to utilizing best management practices to avoid any

indirect impacts to streams through its use of erosion and sediment controls within its Stormwater Pollution Prevention Plan.

### **Conclusion**

Staff's review of the application included consideration of the requirements listed in Ohio Revised Code Section 4906.10. Based on Staff's review, the application meets the necessary criteria for granting a certificate. Staff recommends automatic approval of this case on August 4, 2017, provided that the following conditions are satisfied.

### **Conditions:**

- (1) The Applicant shall provide to Staff the PJM Interconnection, LLC (PJM) upgrade ID and the presentation material presented at the PJM Transmission Expansion Advisory Committee or other applicable PJM committee.
- (2) Prior to construction in areas that require permits, the Applicant shall obtain and comply with all applicable permits and authorizations as required by federal and state entities. Copies of such permits and authorizations, including all supporting documentation, shall be provided to Staff to ensure compliance with this condition.
- (3) The Applicant shall adhere to seasonal cutting dates of October 1 through March 31 for removal of any trees greater than three inches in diameter, unless coordination with the Ohio Department of Natural Resources (ODNR) and the U.S. Fish and Wildlife Service (USFWS) allows a different course of action.
- (4) If any caves or abandoned mines may be disturbed, the Applicant shall coordinate with the USFWS to determine if fall or spring portal surveys are warranted.
- (5) Prior to construction, the Applicant shall retain an ODNR Division of Wildlife (DOW)-approved herpetologist to determine if suitable habitat for the timber rattlesnake (*Crotalus horridus horridus*) is present along the project route. If suitable habitat is found to be present then a presence/absence survey shall be conducted, or an avoidance/minimization plan shall be developed by an ODNR DOW-approved herpetologist.
- (6) Prior to construction, the Applicant shall retain an ODNR DOW-approved herpetologist to determine if suitable habitat for the eastern spadefoot toad (*Scaphiopus holbrookii*) is present along the project route. If suitable habitat is found to be present then a presence/absence survey shall be conducted, or an avoidance/minimization plan shall be developed by an ODNR DOW-approved herpetologist.
- (7) Prior to construction, the Applicant shall retain a USFWS-approved botanist to determine presence or absence of the running buffalo clover as mandated by USFWS recommendations. If this species is present then the Applicant shall develop an avoidance/minimization plan in coordination with the USFWS and Staff.
- (8) The Applicant shall conduct a preconstruction conference prior to the start of any construction activities. Staff, the Applicant, and representatives of the prime contractor and/or subcontractors for the project shall attend the preconstruction conference. 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 to ensure compliance with this condition. The Applicant may conduct separate preconstruction meetings for each stage of construction.

- (9) At least 30 days before the initial preconstruction conference, the Applicant shall submit to Staff, for review to ensure compliance with this condition, one set of detailed engineering drawings of the final project design, including the facility, status of the right-of-way encroachments, temporary and permanent access roads, construction staging areas, and any other associated facilities and access points, so that Staff can determine that the final project design is in compliance with the terms of the certificate. The final project layout shall be provided in hard copy and as geographically-referenced electronic data. 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.

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

**Commission of Ohio Docketing Information System on**

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**in**

**Case No(s). 17-0813-EL-BLN**

Summary: Staff Report of Investigation electronically filed by Mr. Matt Butler on behalf of Staff of OPSB