

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Construction Notice Application by)
American Transmission Systems, Incorporated for a)
Certificate of Environmental Compatibility and Public) Case No. 18-0926-EL-BNR
Need for the Dobbins-Toronto 138 kV Transmission)
Line Structure Replacement 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 Ohio Revised Code (R.C.) 4906.03 and Ohio Administrative Code 4906-6.

Staff recommends the application for automatic approval September 14, 2018, unless suspended by the Board, an administrative law judge, or the chairperson or executive director of the board for good cause shown. 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 September 14, 2018, which is the recommended automatic approval date.

Sincerely,



Raymond W. Strom
Chief of Siting, Efficiency and Renewables Division
Rates and Analysis Department
Public Utilities Commission of Ohio
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OPSB STAFF REPORT OF INVESTIGATION

Case Number: 18-0926-EL-BNR
Project Name: Dobbins-Toronto 138 kV Transmission
Line Structure Replacement Project
Project Location: Jefferson County
Applicant: American Transmission Systems, Incorporated
Application Filing Date: June 22, 2018
Filing Type: Construction Notice
Inspection Date: July 23, 2018
Report Date: September 7, 2018
**Recommended Automatic
Approval Date:** September 14, 2018
Applicant's Waiver Requests: none
Staff Assigned: J. O'Dell, G. Zeto and J. Cross

Summary of Staff Recommendations (see discussion below):

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

Project Description and Need

American Transmission Systems, Incorporated (Applicant or ATSI) proposes to replace one existing steel lattice tower with a steel H-frame structure. Structure 8037 is currently situated along the Dobbins-Toronto 138 kilovolt (kV) Transmission Line. The replacement structure would be located approximately 110 feet to the north along the existing centerline.

The project is needed because the existing structure is compromised and it is leaning at a 10-degree angle. Two of the supporting structure legs are stressed and the foundations are exposed due to hillside shifting. This project was included in the Applicant's most recent Long-Term Forecast Report filing, Case No. 18-1501-EL-FOR.¹ The estimated capital costs of this proposed tower replacement project total \$1,266,084.

1. FirstEnergy, "Long-Term Forecast Report to the Public Utilities Commission of Ohio," *Public Utilities Commission of Ohio Case No. 18-0449-EL-FOR*, April 16, 2018.

Nature of Impacts

Land Use

The project area is located in Saline Township, Jefferson County. The surrounding land use is dominated by steep hills and forested woodlands. The Applicant proposes to widen an existing half-mile all terrain vehicle (ATV) trail to enable it to support construction equipment. The improved road would remain in place to provide future access to the transmission line. The project area is currently accessible through an adjacent private ATV park. No institutional or other sensitive land uses are present in the vicinity. The project area is located within existing right-of-way and no new easements would be required.

ATSI conducted a cultural resource survey to ascertain potential impacts to historical properties and archaeological sites. The survey determined that adverse impacts to historical properties and archaeological sites are not expected.

Surface Waters

The project area, including access, laydown, and construction locations, contains one ephemeral and two intermittent streams. The Applicant would install culverts for access which would require US Army Corps of Engineers Nationwide 12 permitting. No transmission line structures would be located in streams. The proposed tower would not be placed within a 100-year floodplain.

No wetland disturbance is proposed for this project. Further details about how the surface water resources would be protected from indirect construction stormwater impacts using erosion and sedimentation controls would be outlined in the Applicant's Stormwater Pollution Prevention Plan, which would be submitted as part of the required National Pollutant Discharge Elimination System permit.

Threatened and Endangered Species

Some tree clearing would be required for access associated with this project. The project area is within the range of state and federal endangered Indiana bat (*Myotis sodalis*) and the federal threatened northern long-eared bat (*Myotis septentrionalis*). As tree roosting species in the summer months, the habitat of these species would be impacted by the project. In order to avoid impacts to the Indiana bat and northern long-eared bat, Staff recommends that the Applicant adhere to seasonal tree cutting dates of October 1 through March 31 for all trees three inches or greater in diameter, unless coordination efforts with the Ohio Department of Natural Resources and the U.S. Fish and Wildlife Service allows a different course of action. The proposed project is expected not to impact any bat hibernacula.

Due to no proposed in-water work in a perennial stream and a lack of suitable habitat, impacts to other state and federal listed species are not anticipated.

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 application on September 14, 2018.

Conditions:

- (1) 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.
- (2) 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 and the U.S. Fish and Wildlife Service allows a different course of action.

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 18-0926-EL-BNR

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