

## THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF  
AEP OHIO TRANSMISSION COMPANY,  
INC. FOR AN AMENDMENT TO THE YAGER-  
DESERT ROAD 138 kV TRANSMISSION  
LINE REBUILD PROJECT.

CASE NO. 18-1855-EL-BTA

### ORDER ON CERTIFICATE

Entered into the Journal on April 4, 2019

#### I. SUMMARY

{¶ 1} The Ohio Power Siting Board grants the application filed by AEP Ohio Transmission Company, Inc. to amend its certificate.

#### 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 Chapters 4906-1 et seq.

{¶ 3} On May 4, 2017, the Board granted the application filed by AEP Ohio Transmission Company, Inc. (AEP Ohio Transco or Applicant) for a certificate to construct a new 138 kilovolt (kV) overhead transmission line between the Yager Substation and the Desert Road Substation in Harrison County, Ohio. *In re AEP Ohio Transmission Company, Inc.*, Case No. 16-535-EL-BTX (*Certificate Case*), Opinion, Order, and Certificate (May 4, 2017). The Board granted AEP Ohio Transco's application in the *Certificate Case*, pursuant to a joint stipulation filed by AEP Ohio Transco and Staff, subject to 26 conditions.

{¶ 4} On December 27, 2018, AEP Ohio Transco filed a pre-application notification letter indicating that it expected to file, in this case, during January of 2019,

an application seeking amendment to the *Yager-Desert Road 138 kV Transmission Line Rebuild Project*. On January 18, 2019, AEP Ohio Transco filed an application in the above-captioned case (*First Amendment Application*) proposing certain changes to the route approved by the Board in the *Certificate Case*. The changes proposed in the *First Amendment Application* are not expected to affect the overall project's impacts.

{¶ 5} On January 30, 2019, AEP Ohio Transco filed proof of service of the *First Amendment Application*, pursuant to Ohio Adm.Code 4906-6-07.

{¶ 6} Thereafter, on March 8, 2019, the Board's Staff (Staff) filed a report evaluating the *First Amendment Application*.

#### **B. Applicable Law**

{¶ 7} Pursuant to R.C. 4906.04, 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.

{¶ 8} In accordance with R.C. Chapter 4906, the Board promulgated the rules set forth in Ohio Adm.Code Chapter 4906-3 regarding the procedural requirements for filing applications for major utility facilities and amendments to certificates.

{¶ 9} Pursuant to R.C. 4906.07, when considering an application for an 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 \* \* \*." R.C. 4906.06(B) and (C), as well as Ohio Adm.Code 4906-3-11, 4906-3-06, and 4906-3-09, require the applicant to provide notice of its application for amendment to interested parties and potentially effected members of the public.

{¶ 10} AEP Ohio Transco is a corporation and, therefore, a person under R.C. 4906.01(A). Additionally, pursuant to the Board's Order in the *Certificate Case*, AEP Ohio

Transco is certificated to construct, operate, and maintain a major utility facility under R.C. 4906.10. As indicated above, the Applicant provided the required notices in this proceeding, its proposed first amendment to its certificate.

**C. Summary of Staff Report**

{¶ 11} Staff reports that detailed engineering and property owner negotiations have exposed a need for three categories of requested revisions to the approved route: (a) engineering adjustments; (b) a shift within the existing right-of-way (ROW); and (c) rerouting into areas outside of the existing ROW. Construction has not begun on the project. (Staff Report at 2.)

{¶ 12} None of the changes proposed in the *First Amendment Application* are expected to affect significantly the impacts of the overall project already considered and approved of by the Board in the *Certificate Case*. Specifically, Staff reports: (a) the proposed adjustments do not involve any new property owners; (b) the type of transmission equipment (related to transmission, voltage, structure, and conductor types) would not change; and (c) the proposed adjustments would not affect the project's economic impact. (Staff Report at 2.)

{¶ 13} **Engineering Adjustments.** There are four proposed engineering adjustments, each involving a shift of certain, particularly identified, structures along the approved route. Staff has summarized each of these engineering adjustments and concluded in its report that none of the four will have any new environmental impacts, nor, in relation to each identified structure, are there any additional or adjoining tracts of land affected. (Staff Report at 2, 3.)

{¶ 14} **Shift within the existing ROW.** Staff reports that there is one instance of a shift, back to the centerline of the existing transmission line, which would occur as the result of landowner preference, between two specifically identified structures along the preferred route. Because this shift would place the route back on centerline of the existing

line, no new property owners nor easements are necessary. As the ROW would not be expanded, this shift would result in less tree clearing. (Staff Report at 3.)

{¶ 15} **Re-routing outside the existing ROW.** The two re-routes in this category were made to avoid a natural gas pipeline and to avoid a newly identified structure and steep terrain. No additional tracts or landowners would be impacted by either of the two re-routes. (Staff Report at 3.)

{¶ 16} According to Staff, none of the changes proposed in the *First Amendment Application* are expected to significantly alter existing land uses, including agricultural land, or to increase the estimated capital costs for the project. The alignment sections proposed have been studied for the presence of archaeological and historic impacts and no significant adverse impacts on cultural resources are expected. (Staff Report at 4.)

{¶ 17} The proposed adjustments would not result in increased impacts to listed wildlife species. Adherence to the conditions of the original certificate would minimize impacts to listed species. (Staff Report at 4.)

{¶ 18} The proposed adjusted route crosses four more streams, including three ephemeral streams, and one intermittent stream, than does the approved ROW. The proposed adjusted route eliminates two wetland crossings and adds two previously uncrossed wetlands within the ROW. Staff recommends adherence to the conditions of the original certificate as well as implementation of the required Storm Water Pollution Prevention Plan to minimize impacts to surface water resources that would occur as a result of the proposed adjustments. (Staff Report at 4.)

{¶ 19} Staff finds that the purpose of the proposed adjustments, shifts, and reroutes is reasonable: to avoid features not known at the time of the project's approval and to respond to the requests of affected property owners (Staff Report at 4).

{¶ 20} Upon its review, which included consideration of all statutory requirements, Staff states that the application meets the necessary criteria for granting the requested amendment to the certificate. Accordingly, Staff recommends that the Board approve the amendment to the certificate, provided that the Applicant shall continue to adhere to all conditions of the Opinion, Order, and Certificate issued in the *Certificate Case*, following the route as amended in the above-captioned case.

**D. Board's Conclusion**

{¶ 21} After considering the application and the Staff Report, the Board finds that the proposed change in the facility presented in the *First Amendment Application* does not result in any material increase in any environmental impact or a substantial change in the location of all or a portion of the facility approved in the *Certificate Case*. Therefore, pursuant to R.C. 4906.07, the Board finds that a hearing on the application is not necessary under the circumstances presented in this case. Further, the Board finds that the proposed changes to the project do not affect our conclusion from the *Certificate Case* that the project satisfies the criteria set forth in R.C. Chapter 4906, promotes the public interest, and does not violate any important regulatory principle or practice. Therefore, the Board concludes that the application for an amendment to the project should be approved, subject to the conditions set forth in the Opinion, Order, and Certificate in the *Certificate Case*, following the route as amended in the above-captioned case.

**E. Findings of Fact and Conclusions of Law**

{¶ 22} AEP Ohio Transco is a corporation and a person under R.C. 4906.01(A).

{¶ 23} On January 18, 2019, AEP Ohio Transco filed an application seeking a first amendment to the certificate issued in the *Certificate Case*.

{¶ 24} On March 8, 2019, Staff filed its Report of Investigation containing its evaluation of the *First Amendment Application*.

{¶ 25} The proposed amendment to the certificated facility does not result in a substantial change in the location of the facility or any material increase in any environmental impact; therefore, in accordance with R.C. 4906.07, an evidentiary hearing is not necessary.

{¶ 26} Based on the record, and in accordance with R.C. Chapter 4906, the amendment application regarding the certificate issued in the *Certificate Case* should be approved, subject to the conditions set forth in the Opinion, Order, and Certificate in the *Certificate Case*, following the route as amended in the above-captioned case.

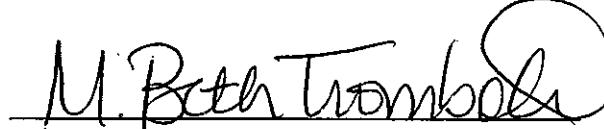
### III. ORDER

{¶ 27} It is, therefore,

{¶ 28} ORDERED, That AEP Ohio Transco's *First Amendment Application* be approved, subject to the conditions set forth in the Opinion, Order, and Certificate in the *Certificate Case*, following the route as amended in the above-captioned case. It is, further,

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

THE OHIO POWER SITING BOARD



M. Beth Trombold, Chair  
Public Utilities Commission of Ohio



Lydia Mihalik, Board Member  
and Director of the Ohio  
Development Services Agency



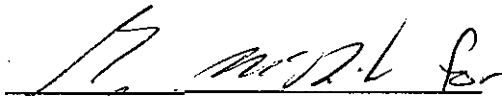
Mary Mertz, Board Member  
and Director of the Ohio  
Department of Natural Resources



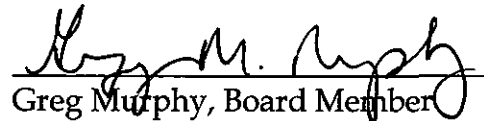
Amy Acton, M.D., MPH, Board Member  
and Director of the Ohio  
Department of Health



Laurie Stevenson, Board Member  
and Director of the Ohio  
Environmental Protection Agency



Dorothy Pelanda, Board Member  
and Director of the Ohio  
Department of Agriculture



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and Public Member

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Tanowa Troupe  
Secretary