

## OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF  
AMERICAN TRANSMISSION SYSTEMS,  
INC. FOR A CERTIFICATE OF  
ENVIRONMENTAL COMPATIBILITY AND  
PUBLIC NEED FOR THE CONSTRUCTION  
OF THE WOOD COUNTY  
138-kV REINFORCEMENT PROJECT.

CASE NO. 18-1335-EL-BTX

### ENTRY

Entered in the Journal April 11, 2019

{¶ 1} American Transmission Systems, Incorporated (ATSI) is a person as defined in R.C. 4906.01.

{¶ 2} R.C. 4906.04 provides that no person shall construct a major utility facility in the state without first obtaining a certificate from the Ohio Power Siting Board (Board). In seeking a certificate, applicants must comply with the filing requirements outlined in R.C. 4906.06, as well as Ohio Adm.Code Chapters 4906-5 and 4906-2.

{¶ 3} On August 29, 2018, ATSI filed a pre-application notification letter with the Board regarding proposed improvements to the transmission and subtransmission systems in Wood County, Ohio. Specifically, ATSI proposed construction of a new, approximately 5.5-mile long 138 kilovolt (kV) transmission line extending from the existing Lemoyne-Midway 183 kV Transmission Line to the existing Brim Substation in northwestern Wood County, Ohio (Wood County 138-kV Reinforcement Project or Project). Alternative routes under consideration would traverse Middleton, Center, and Plain townships and a portion of the City of Bowling Green.

{¶ 4} On September 26, 2018, ATSI held a public information meeting to discuss the proposed Wood County 138-kV Reinforcement Project with interested persons and property owners. On September 28, 2018, ATSI filed an affidavit of publication demonstrating its compliance with the notice requirements of Ohio Adm.Code 4906-3-03.

{¶ 5} On December 19, 2018, ATSI filed its application with the Board for a certificate of environmental compatibility and public need for the Project.

{¶ 6} Pursuant to Ohio Adm.Code 4906-3-06, within 60 days of receipt of an application for a major utility facility, the Chairman of the Board must either accept the application as complete and compliant with the content requirements of R.C. 4906.06 and Ohio Adm.Code Chapter 4906-1 through 4906-7 or reject the application as incomplete. By letter dated February 19, 2019, the Board notified ATSI that its application was compliant and provided sufficient information to permit Staff to commence its review and investigation. Pursuant to Ohio Adm.Code 4906-3-06 and 4906-3-07, the Board's February 19, 2019 letter directed ATSI to serve appropriate government officials and public agencies with copies of the complete, certified application and to file proof of service with the Board. The letter further instructed ATSI to submit its application fee pursuant to R.C. 4906.06(F) and Ohio Adm.Code 4906-3-12.

{¶ 7} On March 1, 2019, ATSI filed an affidavit of proof of service of its accepted and complete application as required by Ohio Adm.Code 4906-3-07. And, in compliance with Ohio Adm.Code 4906-3-07(C), on April 2, 2019, ATSI filed proof that it submitted its application fee to the Treasurer of the State of Ohio.

{¶ 8} Ohio Adm.Code 4906-3-08(A) states that, once the applicant has complied with Ohio Adm.Code 4906-3-07, the Board or the administrative law judge (ALJ) shall file an entry indicating the date on which the accepted, complete application is deemed filed. Additionally, once the effective date is established, the ALJ must promptly fix the dates for public hearings. Under R.C. 4906.07(A), the public hearing must be held not less than 60 nor more than 90 days after the effective date.

{¶ 9} Therefore, the effective date of the application shall be April 11, 2019. The ALJ finds that a local public hearing in this matter shall be held on June 13, 2019, at 6:00 p.m., at the Ohio Department of Transportation – District 2, 317 East Poe Road, Bowling Green, Ohio 43402, in the conference room off the main floor lobby. The evidentiary hearing shall

commence on June 27, 2019, at 10:00 a.m., in Hearing Room 11-C at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.

{¶ 10} Petitions to intervene in this proceeding will be accepted by the Board up to 30 days following the service of the notice required by Ohio Adm.Code 4906-3-09 or by May 23, 2019, whichever is later.

{¶ 11} In accordance with Ohio Adm.Code 4906-3-09, ATSI should issue public notices of the application and hearings. Pursuant to the same rule, in addition to other required information, that notice shall include a statement that the public hearing in this case shall consist of two parts:

- (a) A local public hearing, pursuant to R.C. 4906.08(C), where the Board shall accept written or oral testimony from any person on June 13, 2019, at 6:00 p.m., at the Ohio Department of Transportation – District 2, 317 East Poe Road, Bowling Green, Ohio 43402.
- (b) An evidentiary hearing commencing on June 27, 2019, at 10:00 a.m., in Hearing Room 11-C at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793.

{¶ 12} Further, under Ohio Adm.Code 4906-03-09, the initial notice shall include the following language:

Petitions to intervene in the adjudicatory hearing will be accepted by the Board up to 30 days following service of the notice required by Ohio Adm.Code 4606-03-09, or May 23, 2019, whichever is later. However, the Board strongly encourages interested persons who wish to intervene in the adjudicatory hearing to file their petitions as soon as possible. Petitions should be addressed to Docketing Division, the

Ohio Power Siting Board, 180 East Broad Street, Columbus, Ohio 43215-3793 and cite the above-listed case number.

{¶ 13} Ohio Adm.Code 4906-2-09 provides that the ALJ shall regulate the course of the hearing. In so doing, the ALJ may require expert or factual testimony to be offered at Board proceedings to be reduced to writing and filed with the Board. Accordingly, the ALJ establishes the following procedural schedule and process:

- (a) Pursuant to Ohio Adm.Code 4906-3-06(C), Staff shall file its report of investigation (Staff Report) on or before May 29, 2019.
- (b) On or before June 7, 2019, each party shall file a list of issue(s) citing specific concerns about which they may be interested in pursuing cross-examination of witnesses at the evidentiary hearing.
- (c) All expert and factual testimony to be offered by ATSI shall be filed by June 18, 2019. All expert and factual testimony to be offered by the intervenors and Staff shall be filed by June 24, 2019.
- (d) The parties are strongly encouraged to arrange for electronic service of testimony and other pleadings amongst themselves. If electronic service is agreed to, the parties are also directed to provide an electronic copy to the assigned ALJ.

{¶ 14} It is, therefore,

{¶ 15} ORDERED, That the hearings in this matter be scheduled at the times and places designated in Paragraph 9. It is, further,

{¶ 16} ORDERED, That notices of the application and hearings be issued by ATSI in accordance with Paragraphs 11 and 12. It is, further,

{¶ 17} ORDERED, That Staff file its Staff Report pursuant to Paragraph 13. It is, further,

{¶ 18} ORDERED, That the parties file their issues lists and testimony in accordance with Paragraph 13. It is, further,

{¶ 19} ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

THE OHIO POWER SITING BOARD

/s/Patricia A. Schabo

By: Patricia A. Schabo  
Administrative Law Judge

NW/hac

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

**Commission of Ohio Docketing Information System on**

**4/11/2019 3:40:28 PM**

**in**

**Case No(s). 18-1335-EL-BTX**

Summary: Administrative Law Judge Entry setting procedural schedule electronically filed by Heather A Chilcote on behalf of Patricia A. Schabo, Administrative Law Judge, Power Siting Board