

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Construction Notice	:	
Application of AEP Ohio Transmission	:	Case No. 18-1799-EL-BNR
Company, Inc. for a Certificate of	:	
Environmental Compatibility and Public	:	
Need for the Devola-Gorsuch 138 kV	:	
transmission Line Project.	:	

**UNOPPOSED MOTION FOR WAIVER
SUBMITTED ON BEHALF OF THE STAFF OF
THE OHIO POWER SITING BOARD**

Pursuant to Ohio Adm.Code 4906-3-01(B) and Ohio Adm.Code 4906-2-27, the Staff of the Ohio Power Siting Board (Staff) respectfully moves the Ohio Power Siting Board (Board) to grant a waiver of certain timing requirements of Ohio Adm.Code 4906-6-06(B) and Ohio Adm.Code 4906-6-10(A). Staff also requests an expedited ruling in this matter pursuant to Ohio Adm.Code 4906-2-27(C). For the reasons set forth in the attached Memorandum in Support, good cause exists to grant the requested waiver on an expedited basis.

Respectfully submitted,

Dave Yost
Ohio Attorney General

John Jones
Section Chief

/s/ Steven L. Beeler

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MEMORANDUM IN SUPPORT

Pursuant to Ohio Adm.Code 4906-3-01(B) and Ohio Adm.Code 4906-2-27, the Staff of the Ohio Power Siting Board (Staff) respectfully moves the Ohio Power Siting Board (Board) to grant a waiver of certain timing requirements of Ohio Adm.Code 4906-6-06(B) and Ohio Adm. Code 4906-6-10(A). Staff also requests an expedited ruling in this matter pursuant to Ohio Adm. Code 4906-2-27(C).

Ohio Adm.Code 4906-5-05 allows for an accelerated certificate application process for eligible construction projects. In that accelerated process, Ohio Adm.Code 4906-6-06(B) states that:

(B) Staff shall conduct an investigation of each accelerated certificate application and submit a written report no less than seven calendar days prior to the automatic approval date.

(1) The report shall set forth the nature of the investigation and shall contain recommended findings with regard to section 4906.10 of the Revised Code.

(2) The report shall become part of the record and shall be provided to board members, the administrative law judge assigned to the case, the applicant, and all persons who have become parties to the proceedings. Copies shall be made available to any person upon request.

Ohio Adm.Code 4906-6-10(A) states that:

(A) Staff shall recommend an automatic approval date for an accelerated application in its written report of investigation to the board, unless staff is recommending suspension of the automatic approval date. The recommended automatic approval date shall be no sooner than seven calendar days after the filing of the written report of investigation and no later than ninety days after the filing date of the application.

Due to unanticipated circumstances, Staff did not complete its investigation in this matter and did not file its written report of investigation within 90 days after the filing date of the application. As a result, good cause exists to grant the requested waiver of the timing requirements of Ohio Adm.Code 4906-6-06(B) and Ohio Adm.Code 4906-6-10(A).

Ohio Adm.Code 4901-2-27(C) allows a party to request that the Board consider a motion on an expedited basis. No party opposes this motion for waivers. Accordingly, Staff respectfully requests an expedited ruling granting the waiver of the timing requirements of Ohio Adm.Code 4906-6-06(B) and Ohio Adm. Code 4906-6-10(A). If the Board grants this motion, the Staff will file its written report of investigation immediately following the entry granting this motion.

Respectfully submitted,

Dave Yost
Ohio Attorney General

John Jones
Section Chief

/s/ Steven L. Beeler

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PROOF OF SERVICE

I hereby certify that a true copy of the foregoing **Unopposed Motion for Waiver** submitted on behalf of the Staff of the Ohio Power Siting Board, was served via electronic mail upon the following Parties of Record, this 21st day of May, 2019.

/s/ Steven L. Beeler

Steven L. Beeler
Assistant Attorney General

Parties of Record:

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Case No(s). 18-1799-EL-BNR

Summary: Motion Unopposed Motion for Waiver electronically filed by Ms. Yvette L Yip on behalf of the Ohio Power Siting Board