

THE 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 on May 23, 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} As previewed in an August 29, 2018 pre-application notification letter, on December 19, 2018, ATSI filed an application with the Board for a certificate of environmental compatibility and public need to construct a new 138 kilovolt (kV) transmission line extending approximately six miles from the existing Lemoyne-Midway 138 kV Transmission Line to the existing Brim Substation in northwestern Wood County, Ohio (Project). Alternative routes under consideration would traverse Middleton, Center, and Plain townships and a portion of the City of Bowling Green.

{¶ 4} By letter dated February 19, 2019, the Board notified ATSI that its application was sufficiently complete 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.

{¶ 5} 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, on April 2, 2019, ATSI filed proof that it submitted its application fee in compliance with Ohio Adm.Code 4906-3-12.

{¶ 6} R.C. 4906.07(A) provides that, upon receipt of an application complying with R.C. 4906.06, the Board must promptly fix a date for a public hearing not less than 60 nor more than 90 days after such receipt, which proceeding should be concluded as expeditiously as practicable.

{¶ 7} By Entry issued April 11, 2019, the administrative law judge (ALJ) set the effective date of ATSI's application as April 11, 2019, and issued a procedural schedule. Pursuant to that schedule, Staff was instructed to file its written report of investigation by May 29, 2019; the local public hearing was set for June 13, 2019, in the City of Bowling Green, and the evidentiary hearing was set for June 27, 2019.

{¶ 8} On May 23, 2019, ATSI and Staff (Movants) filed a joint motion to suspend the procedural schedule. Movants express that they have had continuing discussions regarding the Project since the filing of the application; and, as one result of those discussions, Staff has requested additional information related to the Project's compliance with Federal Aviation Administration requirements and the related review of the Project by the Ohio Department of Transportation's Office of Aviation (ODOT-OA). ATSI has agreed to provide the requested information. Because the information will require additional time to prepare, however, ATSI states that it will not be able to comply before the Staff Report filing date of May 29, 2019. Correctly noting that R.C. 4906.07 requires that the Staff Report be filed at least fifteen days before the date the application is set for hearing, Movants further observe that the local public and evidentiary hearings must also be delayed. Thus, in order to ensure that ATSI, Staff, and the public have the necessary information to thoroughly evaluate

ATSI's application while still abiding by Ohio law and Board orders, Movants request suspension of the procedural schedule to allow for collection and review of the additional information once it is obtained from ODOT-OA. Movants represent that they anticipate filing a motion to re-establish a procedural schedule no later than June 30, 2019.

{¶ 9} Upon review, the ALJ finds that good cause exists to grant Movants' motion to suspend the procedural schedule. Specifically, the ALJ grants the motion, tolls all filing dates from the April 11, 2019 procedural schedule that have not yet passed (the deadline for filing the Staff Report, issues lists, and testimony), and cancels the June 13, 2019 local public hearing and the June 27, 2019 evidentiary hearing. The ALJ will establish a new procedural schedule, including new hearing dates, by subsequent entry.

{¶ 10} ATSI is directed to publish notice of the cancellation of the previously scheduled hearings. Further, ATSI shall post a similar notice at the office of the Ohio Department of Transportation – District 2, the local public hearing location, no later than June 12, 2019. The posted notice must provide a toll-free telephone number for an interested person to call for more information.

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That Movants' motion to suspend the procedural scheduled be granted as stated in Paragraph 9. It is, further,

{¶ 13} ORDERED, That ATSI provide notification of the cancellation of the scheduled hearings in accordance with this Entry. It is, further,

{¶ 14} 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

SJP/hac

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Summary: Administrative Law Judge Entry granting Movants' motion to suspend procedural schedule electronically filed by Heather A Chilcote on behalf of Patricia A. Schabo, Administrative Law Judge, Power Siting Board