

THE OHIO POWER SITING BOARD

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

CASE NO. 19-1067-EL-BTA

ORDER ON CERTIFICATE

Entered into the Journal on October 17, 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 February 2, 2017, the Board granted the application filed by AEP Ohio Transmission Company, Inc. (AEP Ohio Transco or Applicant) for a certificate of environmental compatability and public need for the Speidel-Barnesville 138 kilovolt (kV) transmission line rebuild project. *In re AEP Ohio Transmission Company, Inc.*, Case No. 16-437-EL-BTX (*Certificate Case*), Opinion, Order, and Certificate (Feb. 2, 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 June 10, 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 project's overall impacts.

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{¶ 5} On June 10, 2019, AEP Ohio Transco filed proof of service of the *First Amendment Application*, pursuant to Ohio Adm.Code 4906-6-07.

{¶ 6} Thereafter, on September 5, 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 there is one requested revision to the approved route. The revision is an engineering adjustment within the existing right-of-way (ROW), which results from property owner discussions and final engineering of structure locations. Construction began on this project in 2018, but has not commenced in the area impacted by the requested modification. (Staff Report at 1.)

{¶ 12} None of the changes proposed in the *First Amendment Application* are expected to result in a change in structure design, structure quantity, or estimated costs as defined in and already considered and approved by the Board in the *Certificate Case*. Specifically, Staff reports that the proposed adjustment would reduce the number of residential structures within 100 feet of the preferred ROW from 18 to 16, including a drop in single-family residences from six to four. Further, the proposed adjustment would likely result in the removal of one residential structure, which Applicant purchased in January 2018. Further, the proposed adjustment would shift the line closer to the parcel owned by Applicant. (Staff Report at 2.)

{¶ 13} **Engineering Adjustments.** There is one proposed engineering adjustment, which involves the shift of locations for eight structures, numbers 34 through 41. The structure location shifts range from 3 to 39 feet over a span of 0.4 miles from the previously approved route centerline. Applicant avers that this reroute was initiated due to: (a) a property owner's request to shift the approved route north; and, (b) subsequent final detailed engineering on adjacent structures in order to shift slightly to avoid turn angles. These adjustments do not involve additional landowners and no new right-of-way is needed for the adjustments. (Staff Report at 1, 2.)

{¶ 14} According to Staff, none of the changes proposed in the *First Amendment Application* are expected to significantly alter existing land use, including agricultural land, or to change 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, therefore, avers that the adjustments, reroutes, and extensions, proposed to avoid features not known at the time of the original Board application, as well as those made at the request of affected property owners, are reasonable. (Staff Report at 2.)

{¶ 15} With respect to surface water, the approved route ROW contains 31 streams, including 6 perennial streams, 20 intermittent streams, and 5 ephemeral streams. The proposed adjusted route would not result in increased impacts to streams. Additionally, the approved route ROW contains 10 wetlands, with 1.5 total acres of wetland within the ROW. The proposed adjusted route would not result in increased impacts to wetlands. Staff suggests that adherence to the conditions of the original certificate as well as implementation of the Storm Water Pollution Prevention Plan would minimize impacts to surface water resources that would occur as a result of the proposed adjustments. (Staff Report at 2.)

{¶ 16} Staff has concluded that the proposed adjustments would not result in increased impacts to listed wildlife species and recommends that adherence to the conditions of the original certificate would minimize impacts to listed species. (Staff Report at 2).

{¶ 17} Upon its review, which included consideration of all statutory requirements, 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*, as amended in the above-captioned case. (Staff Report at 2).

D. Board's Conclusion

{¶ 18} After considering the application and the Staff Report, the Board finds that the proposed changes in the facility presented in the *First Amendment Application* do 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*, as amended through this application.

E. Findings of Fact and Conclusions of Law

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

{¶ 20} On June 10, 2019, AEP Ohio Transco filed an application seeking a first amendment to the certificate issued in the *Certificate Case*.

{¶ 21} On September 5, 2019, Staff filed its Report of Investigation detailing its evaluation of the *First Amendment Application*.

{¶ 22} 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.

{¶ 23} 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*, and Staff's conditions set forth in its report in this case.

III. ORDER

{¶ 24} It is, therefore,


{¶ 25} 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* and Staff's conditions set forth in its report in this case. It is, further,

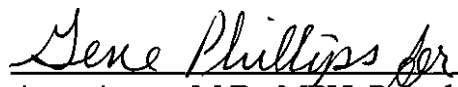
{¶ 26} ORDERED, That a copy of this Order on Certificate be served upon all parties and interested persons of record.

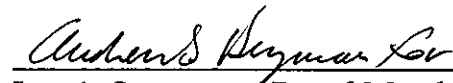
THE OHIO POWER SITING BOARD



Sam Randazzo, Chairman
Public Utilities Commission of Ohio

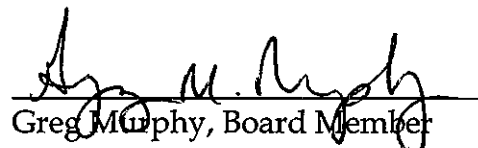

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Entered in the Journal
OCT 17 2019



Tanowa Troupe
Secretary