

THE OHIO POWER SITING BOARD

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

CASE NO. 19-1741-EL-BTA

ORDER ON CERTIFICATE

Entered into the Journal on January 16, 2020

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 21, 2019, the Board granted the application filed by AEP Ohio Transmission Company, Inc. (AEP Ohio Transco or Applicant) for a certificate to replace approximately 12.7 miles of an existing 69 kilovolt (kV) transmission line and construct a new 138 kV overhead transmission line that traverses Smith, Goshen, and Warren townships in Belmont County in Ohio. *In re AEP Ohio Transmission Company, Inc.*, Case No. 18-279-EL-BTX (*Certificate Case*), Opinion, Order, and Certificate (Feb. 21, 2019). The Board granted AEP Ohio Transco's application in the *Certificate Case*, pursuant to a joint stipulation filed by AEP Ohio Transco and the Board's Staff (Staff), subject to 19 conditions.

{¶ 4} On September 20, 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.

{¶ 5} On October 1, 2019, AEP Ohio Transco filed proof of service of the *First Amendment Application*, pursuant to Ohio Adm.Code 4906-3-11.

{¶ 6} Thereafter, on December 19, 2019, the 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 affected 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 concerning its proposed first amendment to its certificate.

C. *Summary of Staff Report*

{¶ 11} Staff reports that the requested revisions in the Applicant's amendment are classified as engineering adjustments within the existing right-of-way (ROW). Construction has not yet begun on areas affected by the requested engineering adjustments, and no new ROW is required. (Staff Report at 2.)

{¶ 12} None of the changes proposed in the *First Amendment Application* are expected to significantly affect the impacts of the overall project already considered and approved of by the Board in the *Certificate Case*. Specifically, Staff reports that: (a) the type of transmission equipment would not change; (b) the economic impact would not change; and (c) the need for the facility and grid impacts associated with the facility remain the same. (Staff Report at 2.)

{¶ 13} There are seven 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 that none of the seven will have any new, significant environmental impacts, nor, in relation to each identified structure, are there any additional or adjoining tracts of land affected.

{¶ 14} Staff reports that some of the engineering adjustments result in shifts to the approved preferred route, either back to the centerline of the existing transmission line or offset to the other side of the existing centerline. Staff notes that Adjustment 6 will move the centerline farther away from existing residences and would require approximately 0.2 acres of additional tree clearing. The proposed shifts are within the existing ROW and would result in a reduced number of residential structures identified within 100 feet of the ROW and would result in a reduced number of parcels crossed. Staff reports that no new, significant environmental impacts are anticipated as a result of these shifts. (Staff Report at 2-4.)

{¶ 15} 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 of 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 3-4.)

{¶ 16} With respect to surface water, the proposed adjusted route would not cross additional streams or wetlands and would not result in increased impacts to surface water resources. 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 4.)

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

{¶ 18} 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*, following the route as amended in the above-captioned case (Staff Report at 4).

D. Board's Conclusion

{¶ 19} 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*.

E. Findings of Fact and Conclusions of Law

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

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

{¶ 22} On December 19, 2019, Staff filed its Report of Investigation detailing its evaluation of the *First Amendment Application*.

{¶ 23} 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.

{¶ 24} 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

{¶ 25} It is, therefore,

{¶ 26} 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,

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

BOARD MEMBERS:

Approving:

Sam Randazzo, Chairman
Public Utilities Commission of Ohio

Rachel Near, Designee for Lydia Mihalik, Director
Ohio Development Services Agency

Mary Mertz, Director
Ohio Department of Natural Resources

Gene Phillips, Designee for Amy Acton, M.D., MPH, Director
Ohio Department of Health

Drew Bergman, Designee for Laurie Stevenson, Director
Ohio Environmental Protection Agency

George McNab, Designee for Dorothy Pelanda, Director
Ohio Department of Agriculture

Greg Murphy, Public Member

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Summary: Opinion & Order that the Ohio Power Siting Board grants the application filed by AEP Ohio Transmission Company, Inc. to amend its certificate electronically filed by Docketing Staff on behalf of Docketing