

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF
AEP OHIO TRANSMISSION COMPANY,
INC. FOR AN AMENDMENT TO THE
BUCKLEY ROAD-FREMONT CENTER 138
KV TRANSMISSION LINE PROJECT.

CASE NO. 19-1780-EL-BTA

ORDER ON CERTIFICATE

Entered into the Journal on February 20, 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 September 20, 2018, the Board granted the application filed by AEP Ohio Transmission Company, Inc. (AEP Ohio Transco or Applicant) for a certificate of environmental compatibility and public need for the Buckley Road-Fremont Center 138 kilovolt (kV) transmission line project. *In re AEP Ohio Transmission Company, Inc.*, Case No. 17-2085-EL-BTX (*Certificate Case*), Opinion, Order, and Certificate (Sept. 20, 2018). 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 23 conditions.

{¶ 4} On September 26, 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 September 30, 2019, AEP Ohio Transco filed proof of service of the *First Amendment Application*, pursuant to Ohio Adm.Code 4906-6-07.

{¶ 6} Thereafter, on December 26, 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 are 11 proposed engineering adjustments within the existing right-of-way (ROW). The engineering adjustments are the result of actual field conditions and final engineering of structure locations. The proposed structure location shifts range from 5 to 75 feet from the previously approved preferred centerline, and do not require any new right-of-way. Construction began on this project in 2019, but has not commenced in the area impacted by the requested modifications. (*First Amendment Application* at 2-1; Staff Report at 2.)

{¶ 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*. Staff reports that the proposed adjustments would not impact the number of residential structures within 100 feet of the preferred ROW. (Staff Report at 4.)

{¶ 13} **Engineering Adjustments.** There are eleven proposed engineering adjustments that impact thirty-six structures, which are designed to: improve line angles; optimize structure alignments; reduce tension of structures; accommodate a property owner request in order to reduce impacts to an agricultural field; avoid a road right-of-way; avoid impacts to an outbuilding; avoid impacts to an adjacent stream; reduce stress on tangent poles; avoid a railroad right-of-way and a pipeline right-of-way; and, to avoid a pipeline easement and a drainage ditch. Applicant avers that this reroute was initiated due to actual field conditions and final engineering of structure locations, and that the adjustments do not involve additional landowners nor any new ROW. (Staff Report at 2-4.)

{¶ 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 proposed adjustments are reasonable. (Staff Report at 4.)

{¶ 15} With respect to surface water, the proposed adjusted route would not result in increased impacts to surface water resources. In fact, one stream that would have been crossed by the certificated transmission line route would be avoided by the proposed adjustments. 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 could occur as a result of the proposed adjustments. (Staff Report at 4.)

{¶ 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 4).

{¶ 17} Upon its review, which included consideration of all statutory requirements, Staff recommends that the Board approve the amendment to the certificate, provided that Applicant shall continue to adhere to all conditions of the Opinion, Order, and Certificate issued in the *Certificate Case* (Staff Report at 4).

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 September 26, 2019, AEP Ohio Transco filed an application seeking a first amendment to the certificate issued in the *Certificate Case*.

{¶ 21} On December 26, 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.

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

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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