

# THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF  
AEP OHIO TRANSMISSION COMPANY,  
INC. FOR AN AMENDMENT TO THE VIGO-  
PINE RIDGE SWITCH 138 kV  
TRANSMISSION LINE REBUILD PROJECT.

CASE NO. 19-2024-EL-BTA

## ORDER ON CERTIFICATE

Entered into the Journal on April 16, 2020

### I. SUMMARY

{¶ 1} The Ohio Power Siting Board grants the application filed by AEP Ohio Transmission Company, Inc. to amend its certificate for the Vigo-Pine Ridge Switch 138 kilovolt transmission line rebuild project.

### 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 construct a new 138 kilovolt (kV) overhead transmission line (the Vigo-Pine Ridge 138 kV transmission line project) covering approximately 10.5 miles through Jefferson Township in Ross County, Ohio, and through Liberty Township in Jackson County, Ohio. *In re AEP Ohio Transmission Company, Inc.*, Case No. 18-30-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 21 conditions.

{¶ 4} On November 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 overall project's impacts.

{¶ 5} On December 3, 2019, AEP Ohio Transco filed proof of service of the *First Amendment Application*, pursuant to Ohio Adm.Code 4906-3-11(A)(2) and 4906-3-11(A)(3).

{¶ 6} Staff filed a report evaluating the *First Amendment Application* on March 17, 2020.

### **B. Applicable Law**

{¶ 7} R.C. 4906.04 provides that the Board's authority applies to major utility facilities and requires any proposed facility to be certified by the Board before the start of construction. 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.

{¶ 8} 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.

{¶ 9} 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 Board with proof of service of the *First Amendment Application*.

### C. *Summary of Staff Report*

{¶ 10} As an initial matter, Staff observes that construction has not yet begun on the Vigo-Pine Ridge Switch 138 kV transmission line rebuild project (Staff Report at 2).

#### 1. REASONS FOR THE PROPOSED REROUTE

{¶ 11} The *First Amendment Application* entails adjustments that are the result of final detailed engineering and property owner discussions for placement of structures. There are six segments of proposed engineering adjustments to the approved route, all within the existing right-of-way. The proposed engineering adjustments occur between structure locations 89-103, 112-119, 122-128, 132-135, 143-154, and at structure 107. The structure location shifts range from five to a maximum 48 feet away from the previously approved preferred centerline. All engineering adjustments would occur within the 100-foot right-of-way of the approved alignment. Applicant indicates that not all necessary easements for these adjustments have been acquired. There is one instance of an alignment reroute. (Staff Report at 2.)

#### 2. SCOPE OF THE PROPOSED REROUTE

{¶ 12} Due to the future expansion of the existing Vigo distribution substation, Applicant is proposing to shift structure location 89 approximately 35 feet southeast of the centerline in order to provide appropriate clearance with the expanded fence line of the Vigo station and an existing wetland. Structure location 90 is proposed to move approximately 15 feet from the centerline to avoid a culvert to the east. With the realignment of these structures, it becomes necessary to adjust structure locations 91 through 103 between 5 and 13 feet from the approved centerline in order to keep the structures in tangent and avoid having to construct larger angle structures. (Staff Report at 2, 3.)

{¶ 13} Applicant is proposing a shift of structure location 107 approximately 15 feet to the west of the originally approved centerline. This shift would allow the placement of the structure in a location that would avoid sloped terrain which would make the installation of the structure more difficult. (Staff Report at 3.)

{¶ 14} Applicant is proposing a shift of structure location 119 of approximately 20 feet west of the originally approved centerline and to position 600 feet south but along the approved centerline. This would provide a longer open span at this location, for improved accessibility along a drive for the property owner and construction crews. Additionally, these shifts would allow the placement of the structure to avoid sloped terrain which would make the installation of the structure more difficult. As a result of these adjustments, structure locations 112-118 are shifting between seven and 30 feet from the approved centerline in order to retain tangent structure alignment. While the 600-foot shift is a substantial adjustment, Staff recognizes that this shift would occur along the approved centerline, so no additional land rights are necessary for this adjustment. This would also place structure location 119 further away from driveways and access points. (Staff Report at 3.)

{¶ 15} Applicant is proposing a shift of structure location 122 approximately 25 feet to the west of the originally approved centerline in order to avoid a corner line angle and to position in tangent with the approved centerline. Additionally, structure location 128 was originally on an isolated area surrounded by a wetland and a stream, which would have made access difficult and more likely to incur environmental impacts. As such, Applicant is proposing to shift the structure location 280 feet north along the centerline, and 25 feet west, to avoid the need to cross the wetland and stream. As a result of these adjustments, structure locations 123-126 are shifting between five and 20 feet from the approved centerline in order to retain tangent structure alignment within the right-of-way. (Staff Report at 3.)

{¶ 16} Applicant is proposing a shift of structure locations 132-135 between 5 and 10 feet east of the originally approved centerline. These shifts are proposed in order to place the structures on more favorable terrain for access and constructability. (Staff Report at 3.)

{¶ 17} Applicant is proposing a shift of structure location 143 of approximately five and ten feet east of the originally approved centerline to a position outside of the road right-

of-way, north of Savageville Road. Additionally, Applicant is proposing to shift structure location 145 by six feet to the west of the originally approved centerline and 150 south along the centerline, to provide additional clearance and stream bank protection of the Salt Lick Creek. These shifts required minor adjustments of roughly five feet on average to structure locations 146-154 to maintain a tangent alignment along this section of the project within the right-of-way. (Staff Report at 3.)

{¶ 18} As already noted, there is one instance of rerouting the approved preferred route outside of the existing right-of-way. The shift of the Pine Ridge Switch to a position 100 feet to the south was necessary to keep the current switch active during construction of the Vigo-Pine Ridge transmission line. This shift necessitated that structure location 162 be added to the project along the centerline to keep the centerline in tangent and to reduce the load on the Pine Ridge switch pole, which is an angle structure. Additionally, in order to meet clearance requirements at the Pine Ridge station, Applicant is proposing to add another structure, between the Pine Ridge Switch structure and the fence line of the station. Applicant states that there are no new significant environmental impacts, such as tree clearing or wetland impacts. (Staff Report at 4.)

### **3. CHARACTERISTICS OF THE PROJECT THAT ARE LEFT UNCHANGED BY THE PROPOSED CERTIFICATE AMENDMENT**

{¶ 19} Staff reports that the type of transmission equipment originally approved would not change. Both the need for the facility, and grid impacts associated with the facility, as identified and approved in the *Certificate Case*, would also not be impacted by the proposed route changes. Nor are the changes proposed in the *First Amendment Application* expected to affect the overall project's economic impacts. (Staff Report at 2.)

### **4. SOCIAL IMPACTS**

{¶ 20} In Staff's opinion, the proposed adjustments are not expected to significantly alter existing land uses, including agricultural land, or to increase the capital costs for the project. The involved adjustments are primarily proposed as a result of Applicant's final

engineering of the approved preferred route. With the proposed adjustments, the number of residential structures identified within 1,000 feet of the centerline would drop from 121 to 119, with none of the residents located inside the right-of-way. The nearest residences are located within 50 feet of the right-of-way and would drop from six to five residential structures. No residential structures would need to be removed from the right-of-way, as was the case with the original application. Some agricultural barns and sheds that are located within the right-of-way would still need to be moved. (Staff Report at 4.)

{¶ 21} The proposed alignment sections have been studied for the presence of archeological resources and historic impacts and no significant adverse impacts on cultural resources are expected. The State Historic Preservation Office concurs that the amended alignments would not be expected to impact cultural resources. (Staff Report at 4.)

{¶ 22} Staff finds that the purposes of the adjustments and reroutes to avoid wetlands, slope and soil features and to provide better accessibility with final design and engineering are reasonable. The amended alignments would not significantly alter the percentage of agricultural or residential land being crossed. (Staff Report at 4.)

## 5. SURFACE WATERS

{¶ 23} The approved route right-of-way contains 50 streams, including 21 perennial streams, 11 intermittent streams, and 7 ephemeral streams, totaling 9,353 linear feet of streams. The proposed adjusted route right-of-way would contain 9,799 linear feet of streams. (Staff Report at 4.)

{¶ 24} The proposed adjusted route right-of-way would cross the same wetlands as the original route right-of-way. The acreage of wetlands would reduce slightly from 4.58 to 4.55 acres. No structures would be placed within wetlands. (Staff Report at 4.)

{¶ 25} Adherence to the conditions of the original certificate including 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).

## 6. THREATENED AND ENDANGERED SPECIES

{¶ 26} According to Staff, the proposed adjustments would not result in increased impacts to listed wildlife species. Adherence to the conditions of the original certificate would minimize impacts to listed species. (Staff Report at 5.)

## 7. STAFF RECOMMENDATION

{¶ 27} Staff recommends approval of this amendment provided that the following Staff-proposed conditions are satisfied. Staff notes that its recommendation for approval of this amendment should not be construed as a recommendation for approval of cost recovery in any ratemaking proceeding. (Staff Report at 5.)

## 8. STAFF-PROPOSED CONDITION

{¶ 28} In the above captioned case, while Staff recommends that the Board approve the certificate amendment proposed, it recommends that such approval should be made subject to the following new conditions:

(1) 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 as through this application.

(2) The certificate authority provided in this case shall not exempt the facility from any other applicable and lawful local, state, or federal rules or regulations nor be used to affect the exercise of discretion of any other local, state, or federal permitting or licensing authority with regard to areas subject to their supervision or control.

(Staff Report at 5.)

{¶ 29} Thus, upon its review, overall, Staff recommends that the Board approve the proposed 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*, over the route as amended Staff in the above-captioned case (Staff Report at 5).

**D. Board's Conclusion**

{¶ 30} After considering the application and the Staff Report, the Board finds that the route changes proposed 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 *First Amendment Application* is not necessary under the circumstances presented in this case. Further, the Board finds that the proposed changes 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 *First Amendment Application* should be approved, subject to the conditions set forth in the Opinion, Order, and Certificate in the *Certificate Case*, as well as the two additional conditions Staff recommended in its report in the above-captioned case.

**E. Findings of Fact and Conclusions of Law**

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

{¶ 32} On November 26, 2019, AEP Ohio Transco filed an application seeking a first amendment to the certificate issued in the *Certificate Case*.

{¶ 33} On March 17, 2020, Staff filed its Report of Investigation containing its evaluation of the *First Amendment Application*.

{¶ 34} 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.

{¶ 35} Based on the record, and in accordance with R.C. Chapter 4906, the *First Amendment Application* should be approved, subject to the conditions set forth in the



Opinion, Order, and Certificate in the *Certificate Case*, following the route as amended in the above-captioned case.

### III. ORDER

{¶ 36} It is, therefore,

{¶ 37} ORDERED, That, in accordance with the above findings, 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*, as well as the two additional conditions Staff recommended in its report in the *First Amendment Application* case, following the route as amended in the above-captioned case. It is, further,

{¶ 38} 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

DEF/kck

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**Case No(s). 19-2024-EL-BTA**

Summary: Entry granting the application filed by AEP Ohio Transmission Company, Inc. to amend its certificate for the Vigo-Pine Ridge Switch 138 kilovolt transmission line rebuild project. electronically filed by Ms. Mary E Fischer on behalf of Ohio Power Siting Board