

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Letter of Notification Application)
of AEP Ohio Transmission Company for a Certificate)
of Environmental Compatibility and Public Need for) Case No. 20-0788-EL-BLN
the Guernsey 765kV Transmission Line Extension)
Project)**

Members of the Board:

Chairman, Public Utilities Commission	Ohio House of Representatives
Director, Development Services Agency	Ohio Senate
Director, Department of Health	
Director, Department of Agriculture	
Director, Environmental Protection Agency	
Director, Department of Natural Resources	
Public Member	

To the Honorable Power Siting Board:

Please review the attached Staff Report of Investigation, which has been filed in accordance with Ohio Power Siting Board (Board) rules. The accelerated certificate application in this case is subject to an automatic approval process as required by Ohio Revised Code (R.C.) 4906.03 and Ohio Administrative Code (Ohio Adm.Code) 4906-6.

On March 17, 2020, an administrative law judge tolled the time period for automatic approval of this project and other accelerated projects during the state of emergency declared in Executive Order 2020-01D. (See case number 20-601-GE-UNC, the "Tolling Directive.") On May 20, 2020, the administrative law judge modified the Tolling Directive, finding that the tolling provisions should be terminated effective June 1, 2020, thereby again subjecting this matter to an automatic approval, unless suspended.

Staff recommends the application for automatic approval August 27, 2020, unless suspended by the Board, an administrative law judge, or the chairperson or executive director of the Board for good cause shown. If suspended, the Board must render a decision on the application within 90 days from the date of suspension.

Please present any concerns you or your designee may have with this case to my office at least four business days prior to August 27, 2020, which is the recommended automatic approval date.

Sincerely,



Theresa White
Executive Director
Ohio Power Siting Board

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 20-0788-EL-BLN
Project Name: Guernsey 765 kV Transmission Line Extension Project
Project Location: Guernsey County
Applicant: AEP Ohio Transmission Company
Application Filing Date: May 28, 2020
Filing Type: Letter of Notification
Inspection Date: August 19, 2020
Report Date: August 20, 2020
Recommended Automatic Approval Date: August 27, 2020
Staff Assigned: A. Holderbaum, J. Cross

Summary of Staff Recommendations (see discussion below):

Application: ☐ Approval ☐ Disapproval ☒ Approval with Conditions
Waiver: ☐ Approval ☐ Disapproval ☒ Not Applicable

Project Description and Need

AEP Ohio Transmission Company (Applicant) proposes to install two 765 kilovolt (kV) extension lines that would require two new structures. The Applicant states the new structures will either be steel H-Frame structures or steel Guyed V structures and both transmission lines will extend approximately 0.1 mile. The proposed project would cut into the existing Kammer-Dumont 765 kV transmission line to add two new line extensions to the Guernsey 765 kV Station. The associated structure replacements were filed under case number 20-0787-EL-BNR. The Guernsey 765 kV Station would interconnect with the Guernsey Power Station, enabling energy delivery to the bulk power system (BPS). The Guernsey Power Station and the associated 765 kV Guernsey Station have been approved by the Board and are currently under construction.^{1, 2, 3}

The Applicant's customer, Guernsey Power Station, submitted generation interconnection requests for the Guernsey Power Station to PJM Interconnection, LLC (PJM) starting in March 2016, for a

1. In the Matter of the Application of Guernsey Power Station, LLC., for a Certificate of Environmental Compatibility and Public Need for an Electric Generation Facility in Guernsey County, Ohio, Case No. 16-2443-EL-BGN, Opinion, Order and Certificate, October 5, 2017.

2. In the Matter of the Letter of Notification Application of Guernsey Power Station, LLC., for the Guernsey Power Station Electrical Interconnection Project, Case No. 17-1828-EL-BLN, Staff Report of Investigation, December 1, 2017.

³ Hereinafter, collectively, the Guernsey Power Station (Case Nos. 16-2443-EL-BGN, 18-0090-EL-BGA, and 20-0033-EL-BGA), the Guernsey 765 kV Station (Case No. 17-1828-EL-BLN), the associated structure replacement (Case No. 20-0787-EL-BNR), and the present application shall be termed the "entire Guernsey project."

total injection of 1,875 megawatts (MW). PJM assigned the requests queue position numbers AB2-067, AC1-044, and AD2-189. The interconnection service agreement (ISA) and the interconnection construction service agreements (ICSA) were filed at the Federal Energy Regulatory Commission and effective May 13, 2019, with a letter order accepting the updated ISA and ICSA effective January 30, 2020. The ISA requires the Applicant to complete network upgrade n5355, which is the Kammer-Vassell 765 kV transmission line cut-in.⁴ The proposed facility was included in form FE-T7, characteristics of existing transmission lines of the Applicant's 2019 Long Term Forecast Report to the Public Utilities Commission of Ohio, filed in Case No. 19-1501-EL-FOR.⁵

The proposed project is an integral part of the Guernsey Power Station, and, without it, energy would be unable to reach the BPS.⁶ The Applicant anticipates that construction of this project would begin in September 2020, and that the facility would be placed in service by May 2021. The total cost of the project is estimated at \$5.5 million. The Applicant would be reimbursed costs from Guernsey Power Station LLC through the PJM process stated in the ISA, paragraph 4.- and Appendix 2, Section 11.⁷

Nature of Impacts

Land Use

The project is located just west of Interstate 77 on the south side of the Guernsey Power Station that is currently under construction, and north of the Guernsey 756 kV Station in Valley Township, Guernsey County. The surrounding area is made up of agricultural land, commercial/residential land, and forested land. The project is not located within any agricultural district lands. No residential structures are located within 100 feet of the project. There are no parks, churches, cemeteries, wildlife management areas, or nature preserve areas located within 500 feet of the project.

All work to be performed for this project is located within an existing transmission line right of way. Six additional easements are necessary to construct the project. The Applicant states they will obtain all easements prior to the start of construction.

Cultural Resources

A literature review, Phase 1 archaeological surveys for both the Guernsey Power Station site and the Guernsey 765 kV Station site, and a Phase 2 archaeological survey for the overall Guernsey Power Station project site have been performed by the Applicant's cultural resources consultant. The project subject to this application was studied as part of these surveys. The findings of the studies were submitted to the Ohio Historic Preservation Office (OHPO). The OHPO responded

4. Interconnection Service Agreement, Schedule C, Federal Energy Regulatory Commission, Docket number ER20-509, <https://www.ferc.gov/ferc-online/elibrary>, accessed August 19, 2020, stating: "AEP shall perform the Kammer-Vassell 765 kV T-Line Cut In (Network Upgrade n5355).

5. AEP Ohio Transmission Company, Inc., "Long-Term Forecast Report to the Public Utilities Commission of Ohio," Public Utilities Commission of Ohio Case No. 19-1501-EL-FOR, April 15, 2019.

⁶ Once the Guernsey Power Station becomes operational this project and the associated project in Case No. 20-0788-EL-BLN would be needed for the energy produced to reach the BPS.

⁷ ISA, paragraph 4.0 states in pertinent part, "Interconnection Customer shall be subject to the estimated charges detailed below, which shall be billed and paid in accordance with Appendix 2, Section 11 of this ISA and the applicable Interconnection Construction Service Agreement" and subsequently lists total charges for this project and eight other network upgrades.

with recommendations on avoidance for several sites. The entire Guernsey project was designed in accordance with these recommendations. The proposed tie-in project would not alter any of these plans nor impact any of the sites recommended for avoidance. On July 6, 2020, the OHPO responded to the Applicant separately about this proposed project, stating to the Applicant's cultural resources consultant that OHPO is in concurrence that this project would have no adverse effects on historic properties and no further archaeological or cultural resource work is necessary. Staff agrees with this recommendation.

Surface Waters

One of the structures to be installed will be placed in a wetland. Impacts for this project will be covered under permits previously obtained for the Guernsey Power Station project as accumulative impacts will be under the allowable amount by the permits. The Guernsey Power Station has obtained Water Quality Certification Permit from the Ohio Environmental Protection Agency (Ohio EPA) and a Section 404 Individual Standard Permit from the U.S. Army Corps of Engineers for surface water impacts associated with the entire Guernsey project and associated projects. The Applicant will file a Notice of Intent with the Ohio EPA for authorization of construction stormwater discharges under General Permit OHC000005 for this project. The Guernsey Power Station continues to work closely with both agencies to minimize impacts to surface waters and work within the parameters of the associated permits. Staff agrees that wetlands impacts would be covered under these impacts and the resulting permits.

No streams or lakes would be impacted by the proposed project, however one stream will be aerially spanned by both transmission lines. The project occurs within a 100-year floodplain. Guernsey County does not require a floodplain permit for constructing within a floodplain, therefore no floodplain permit is required.

Threatened and Endangered Species

The project area is within the range of state and federal endangered Indiana bat (*Myotis sodalis*) and the federal threatened northern long-eared bat (*Myotis septentrionalis*). As tree roosting species in the summer months, the habitat of these species would be impacted by the project. In order to avoid impacts to the Indiana bat and northern long-eared bat, the Ohio Department of Natural Resources (ODNR) and the U.S. Fish and Wildlife Service recommend seasonal tree cutting dates of October 1 through March 31 for all trees three inches or greater in diameter. The Applicant has committed to abiding by the seasonal tree clearing restrictions in order to avoid impacts to these species.

The project lies within the range of the state endangered northern harrier (*Circus cyaneus*). The ODNR recommends avoiding impacts to the species habitats during the species nesting period of May 15 through August 1. The Applicant has committed to consulting with the ODNR to determine whether portions of the project may be considered suitable nesting habitat and coordinate a habitat survey with the ODNR, if necessary. Correspondence with the ODNR will be provided to the Ohio Power Siting Board once completed.

Impacts to other state and federal listed species are not anticipated, due to no proposed in-water work and a lack of suitable habitats.

Recommended Findings

Staff's review of the application included consideration of the requirements listed in Ohio Revised Code Section 4906.10. Based on Staff's review, the application meets the necessary criteria for granting a certificate. Staff recommends automatic approval of this application on August 27, 2020, subject to the conditions below. Staff notes that its recommendation for approval of this application should not be construed as a recommendation for approval of cost recovery in any ratemaking proceeding.

Conditions:

- (1) 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.
- (2) The Applicant shall adhere to seasonal cutting dates of October 1 through March 31 for removal of any trees greater than three inches in diameter, unless coordination with the Ohio Department of Natural Resources and the U.S. Fish and Wildlife Service allows a different course of action.
- (3) The Applicant shall avoid suitable habitat for the northern harrier during the species nesting period of May 15 through August 1, unless coordination with the Ohio Department of Natural Resources allows a different course of action.
- (4) Prior to the commencement of construction activities in areas that require permits or authorizations by federal or state laws and regulations, the Applicant shall obtain and comply with such permits or authorizations. The Applicant shall provide copies of permits and authorizations, including all supporting documentation, on the case docket prior to commencement of construction.

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Case No(s). 20-0788-EL-BLN

Summary: Staff Report of Investigation electronically filed by Adam Bargar on behalf of Staff of OPSB