

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION
OF AEP OHIO TRANSMISSION COMPANY,
INC. FOR A CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY AND
PUBLIC NEED FOR CONSTRUCTION OF
THE GROVES ROAD-SHANNON 138
KILOVOLT TRANSMISSION LINE
PROJECT.

CASE NO. 21-199-EL-BTX

ENTRY

Entered in the Journal on March 25, 2021

{¶ 1} AEP Ohio Transmission Company, Inc. (AEP Ohio) is a person as defined in R.C. 4906.01.

{¶ 2} R.C. 4906.04 provides that no person shall construct a major utility facility in the state without obtaining a certificate for the facility from the Ohio Power Siting Board (Board).

{¶ 3} On March 3, 2021, AEP Ohio filed a motion for waiver of Board rules regarding its proposed reconstruction of approximately 5.4 miles of transmission lines in Franklin County, Ohio (Project). In its motion, AEP Ohio seeks a limited waiver of Ohio Adm.Code 4906-5-08(B) as to the requirements to provide fully developed information regarding the alternate route and to conduct a field survey on the non-shared portion of the alternate route.

{¶ 4} AEP Ohio explains that its request focuses on the requirement to conduct a field survey showing vegetation and surface waters within 100 feet of the potential disturbance area for a 1.6-mile portion of one of the routes it is developing for the Project. In support of its motion, AEP Ohio explains that, due to a railroad corridor separating the disturbance area for the route from a densely-populated residential area that is within 100 feet of the right-of-way for the route, the Project would not affect the vegetation or surface waters within that area, or the residential parcels themselves. AEP Ohio represents that it will still provide property owners within the residential area with information about the

Project. Specifically, AEP Ohio states that landowners were invited to a virtual open house in November 2020 and will receive further information through AEP Ohio's public notice and public information program. AEP Ohio notes that the requested waiver of Ohio Adm.Code 4906-5-08(B) would have additional benefits of limiting in-person contact with landowners, and avoids potential safety concerns of employees and/or contractors stemming from conditions on residential properties such as tripping hazards, animal contact, and confrontation with landowners. Finally, AEP Ohio states that the waiver would reduce Project costs and that it will still provide the results of the field survey for any areas impacted by the Project.

{¶ 5} On March 17, 2021, the Board Staff filed a letter indicating that it does not object to the requested waiver but reserves the right to require information from AEP Ohio in the areas covered by the requested waiver if it becomes necessary to Staff's investigation. Staff further reserves the right to investigate and contest all other issues presented in the application when it is filed.

{¶ 6} Upon review, the administrative law judge (ALJ) determines that the requested waiver is reasonable and should be granted. While reaching this determination, the ALJ notes that AEP Ohio must still satisfy the requisite burden of proof relative to the application.

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That AEP Ohio's requested waiver of Ohio Adm.Code 4906-5-08(B) be granted in accordance with Paragraph 6. It is, further,

{¶ 9} ORDERED, That a copy of this Entry be served upon all parties of record.

THE OHIO POWER SITING BOARD

/s/Jesse M. Davis

By: Jesse M. Davis
Administrative Law Judge

SJP/kck

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3/25/2021 2:21:45 PM

in

Case No(s). 21-0199-EL-BTX

Summary: Administrative Law Judge Entry granting AEP Ohio's requested waiver of Ohio Adm.Code 4906-5-08(B) in accordance with Paragraph 6. electronically filed by Kelli C. King on behalf of Jesse M. Davis, Administrative Law Judge, Ohio Power Siting Board