

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Letter of Notification Application        )**  
**of AEP Ohio Transmission Company, Inc. for the                )** **Case No. 21-0173-EL-BLN**  
**Windsor Extension 138 kV Transmission Line Project        )**

Members of the Board:

Chair, 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.

Staff recommends the application for automatic approval June 1, 2021, 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 June 1, 2021, which is the recommended automatic approval date.

Please present any concerns you or your designee may have with this case to my office.

Sincerely,



Theresa White  
Executive Director  
Ohio Power Siting Board

## OPSB STAFF REPORT OF INVESTIGATION

**Case Number:** 21-0173-EL-BLN  
**Project Name:** Windsor Extension 138 kV Transmission Line Project  
**Project Location:** Jefferson County  
**Applicant:** AEP Ohio Transmission Company, Inc.  
**Application Filing Date:** March 2, 2021  
**Filing Type:** Letter of Notification  
**Inspection Date:** February 22, 2021  
**Report Date:** May 25, 2021  
**Recommended Automatic Approval Date:** June 1, 2021  
**Applicant's Waiver Requests:** None  
**Staff Assigned:** T. Crawford, J. Pawley, G. Zeto

### 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, Inc. (AEP Ohio or Applicant) proposes to rebuild approximately 0.4 miles of the existing Windsor-Canton 138 kilovolt (kV) Transmission Line between the existing Windsor Junction-Tiltonsville 138 kV Transmission Line and the Ohio River. The 0.4 miles of rebuild is associated with a larger project, but it is the only portion located in Ohio, and therefore is the only portion jurisdictional to the Ohio Power Siting Board. For context, the rebuild will also cross the Ohio River and continue another 0.4 miles to the First Energy Windsor Substation located in Brooke County, West Virginia.

Upgrades to the transmission system are part of PJM Interconnection, LLC's (PJM) Regional Transmission Expansion Planning (RTEP) process.<sup>1</sup> The project is a PJM baseline reliability upgrade needed to alleviate future thermal overload concerns. This project is part of the overall Tiltonsville-Windsor 138 kV Upgrade Project. The other two components, reconductoring the line

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1. PJM is the regional transmission organization charged with planning for upgrades to the regional transmission system in Ohio. Significant alterations to the transmission system located in the PJM control area are required to submit planned projects for review of system impacts.

PJM's RTEP identifies transmission system additions and improvements needed to keep electricity flowing to the millions of people throughout PJM's region. See PJM Sub Regional RTEP Committee PJM West of December 18, 2020. <https://www.pjm.com/-/media/committees-groups/committees/srrtep-w/2020/20201218-reliability-analysis-upate.ashx> (accessed May 18, 2021).

from the Tiltonsville Substation to the existing Windsor-Tiltonsville 138 kV line, and the stringing of a second conductor on the open side of the existing structures to six-wire the circuit were covered in Case No. 20-1735-EL-BLN. The inspection of the project was made by Staff on February 22, 2021. The project was originally presented and reviewed by stakeholders at the September 2, 2014 and at the September 25, 2014 PJM Subregional Regional Transmission Plan (SRRTEP) Western Meetings, and was given the PJM baseline ID number b2555.<sup>2</sup> It was approved at the December 18, 2020 Meeting. Baseline upgrades include projects planned for reliability, operational performance, FERC Form No. 715 criteria, economic planning, and public policy planning (State Agreement Approach).<sup>3</sup>

The Applicant expects construction of the project to begin in October 2021 and will be in service in March 2022.

The Applicant indicates that it did not include this project in its Long-Term Forecast Report (LTFR) because “a new transmission line asset is not being created.”<sup>4</sup> The Applicant estimates the total cost of the project to be approximately \$2,500,000 (Class 4). The costs for this project will be recovered in the AEP Ohio Transmission Company Inc.’s FERC formula rate (Attachment H-20 to the PJM Open Access Transmission Tariff) and allocated to the AEP Zone.

## **Nature of Impacts**

### *Land Use*

The project is located in Warren Township, Jefferson County. The predominant land use is existing utility right-of-way, with wooded land and open areas. The project does not cross any agricultural district parcels, or any parcels actively used for agricultural purposes. No residences are located within 1,000 feet of the extension, so no residential structures would need to be removed to construct this project. No parks, churches, cemeteries, wildlife management areas, or nature preserve areas would be impacted by the project. The line crosses the Ohio River into West Virginia. The river would be aerially spanned with no structures located on either bank, so no impacts to water navigation are anticipated. The line extension would be visible from the Ohio River Scenic Byway (State Route 7), however since this project is directly adjacent to existing transmission lines and structures, no additional aesthetic impacts are expected.

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2. The Subregional RTEP Committees (SRRTEP) review and provide input on subregional RTEP projects and provide recommendations to the Transmission Planning Advisory Committee (TEAC) concerning subregional (RTEP) projects. See PJM Subregional RTEP Committee-Western; <https://www.pjm.com/-/media/committees-groups/committees/srrtep-west/2020/20201218-item-04-reliability-analysis-update.ashx> (accessed March 5, 2021).

3. PJM Manual 14B: PJM Region Transmission Planning Process, Revision 48, Effective Date: October 1, 2020.

4. Staff notes Ohio Revised Code (R.C.) 4935.04 requires an LTRF to include a: “description of proposed changes in the transmission system planned for the next five years.” This project being a “change” to the transmission system, Staff recommends the Applicant include future changes to the transmission system, even those that do not create “a new transmission line asset” within its LTFR.

### *Aviation*

The Federal Aviation Administration (FAA) and the Ohio Department of Transportation Office of Aviation (ODOT-OA) administer regulatory programs to provide airport airspace analysis. These programs also evaluate and authorize certain obstructions near airports. The Applicant submitted a request for review by the FAA (FAA Form 7460-1) of the electric transmission support structures. The anticipated height of the electric transmission support structures is expected to range from 72 to 309 feet tall. The FAA performed an aeronautical study for these structures and concluded that the structures do not exceed FAA's obstruction standards and would not be a hazard to air navigation if conditions in the FAA determination letters are met.

The Applicant also indicated that it would use a helicopter to transport lineman, pull sock lines, and install the marker balls on the conductors. The Applicant indicated that its contractor would coordinate with FAA closer to the commencement of construction for the adjacent Windsor Junction-Tiltonsville 138 kV Conductor Project, 20-1735-EL-BLN; Staff expects that here as well.

Staff contacted the ODOT-OA during the review of this application in order to coordinate review of potential impacts of the project. ODOT-OA advised that there are no ODOT-OA licensing requirements for the helicopter operations. ODOT-OA also advised that the Applicant is required to register any helipads with ODOT-OA by filling out *Application for Landing Site* (Form 5501.1) and FAA form 7480-1 FAA Form 7480-1 (Notice for Construction, Alteration and Deactivation of Airports). Staff recommends that the Applicant confirm that required forms have been submitted by the aviation contractor prior to construction.

### *Cultural Resources*

The Applicant's cultural resources consultant performed a literature review and Phase I cultural resource management investigation (archaeology and history/architecture) for the project. The consultant determined that the project would neither involve nor impact any significant cultural resources or landmarks, and that no further cultural resource management work was necessary. The findings were submitted to the Ohio Historic Preservation Office (OHPO). The OHPO responded to the consultant in concurrence that this project would not affect historic properties, and that no additional cultural resources studies are needed for the project. Staff agrees that no further cultural resource management work is necessary.

### *Surface Waters*

The project would not require any in-stream work and no wetlands would be impacted. However, the proposed project would span the Ohio River and two Category 2 wetlands.<sup>5</sup> Because the Ohio River is a navigable river, this crossing would require a U.S. Army Corps of Engineers (USACE) Section 10 Permit.

The Applicant would submit a Notice of Intent for coverage under the Ohio Environmental Protection Agency National Pollutant Discharge Elimination System General Permit. Staff does not anticipate issues with the Applicant's procurement of this permit. As part of this permit, erosion control measures including silt fencing would be used where appropriate to minimize runoff impacts to surface waters. The project would overlap with a 100-year floodplain associated with

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5. Wetlands falling within the purview of the Clean Water Act are regulated within Ohio by R.C. 6111, et seq. and Ohio Adm.Code 3745-1-50, et seq. Ohio Adm.Code 3745-1-54 establishes wetland categories.

the Ohio River. One lattice tower structure is proposed to be built within the 100-year floodplain. The Applicant would obtain a floodplain permit from Jefferson County.

#### *Threatened and Endangered Species*

Some tree clearing would be required for this project. 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 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 following these seasonal tree clearing guidelines.

During the winter months, bats hibernate in caves and abandoned mines, also known as hibernacula. The proposed project is expected not to impact any bat hibernacula.

Impacts to other state and federal listed species would not occur due to a lack of proposed impacts to suitable habitats.

#### **Conclusion**

Staff's review of the application included consideration of the requirements listed in R.C. 4906.10. Based on Staff's review, the application meets the necessary criteria for granting a certificate. Staff recommends approval of this application on June 1, 2021 subject to the following conditions. 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) Prior to construction in areas that require permits, the Applicant shall obtain and comply with all applicable permits and authorizations as required by federal and state entities. Copies of such permits and authorizations, including all supporting documentation, shall be provided to Staff to ensure compliance with this condition. Specifically, for any helipads the Applicant shall confirm that it or its aviation contractor has submitted Form 7480-1 to the Federal Aviation Administration and an Application for Landing Site with the Ohio Department of Transportation Office of Aviation.
- (3) The Applicant shall adhere to seasonal cutting dates of October 1 through March 31 for the removal of trees three inches or greater in diameter to avoid impacts to listed bat species, unless coordination with the Ohio Department of Natural Resources and the U.S. Fish and Wildlife Service allows a different course of action. If coordination with these agencies allows clearing between April 1 and September 30, the Applicant shall docket proof of completed coordination on the case docket prior to clearing trees.

- (4) Prior to construction, the Applicant shall file a copy of any floodplain permit required for construction of this project, or a copy of correspondence with the floodplain administrator showing that no permit is required.

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**5/25/2021 4:04:18 PM**

**in**

**Case No(s). 21-0173-EL-BLN**

Summary: Staff Report of Investigation electronically filed by Mr. Matt Butler on behalf of Staff of OPSB