

**BEFORE THE
OHIO POWER SITING BOARD**

In the Matter of the Ohio Power Siting)
Board’s Report to the General Assembly) **Case No. 21-796-EL-UNC**
Regarding the Power Transmission)
System)

**COMMENTS IN SUPPORT OF LEGISLATION TO PROTECT OHIO CONSUMERS
FROM UNJUST AND UNREASONABLE CHARGES
FOR INVESTMENTS IN SUPPLEMENTAL TRANSMISSION PROJECTS
BY
OFFICE OF THE OHIO CONSUMERS’ COUNSEL**

I. INTRODUCTION

The legislation that repealed part of tainted House Bill 6 requires the Ohio Power Siting Board (“OPSB”) to make recommendations to the legislature, by December 1, 2021, regarding “whether the current requirements for the planning of the power transmission system and associated facilities investment in this state are cost effective and in the interest of consumers.”¹ The current requirements favor utilities and are not in the interest of consumers, and should be reformed.

Over the past four years, Ohio electric utilities have planned to invest more than \$3.85 *billion*, at consumer expense, in electric Supplemental Projects. These projects are for local electric transmission that is not needed for PJM’s² region-wide reliability, market efficiency or operational performance purposes, or state public policy initiatives. Supplemental Projects result in significant increases in the charges Ohio consumers pay for electric utility service. For example, as explained below, consumers in AEP Ohio’s service area have seen an approximate

¹ R.C. 4906.105.

² “PJM” refers to PJM Interconnection LLC.

50% increase in transmission charges in recent years, much of it related to investments in Supplemental Projects.

Because these Supplemental Projects are not needed to address region-wide reliability, they are not subject to review by the Federal Energy Regulatory Commission (“FERC”) or PJM. In other words, Supplemental Projects are allowed to fall through the regulatory cracks – with consumer protection falling as well. The Office of the Ohio Consumers’ Counsel (“OCC”) has advised FERC and PJM on several occasions of its growing concern about the price tag for these local projects, including concerns about whether there is even a need for what is being built. But FERC and PJM have failed to adequately address the issue.

These projects also escape regulatory review by the OPSB, as the OPSB currently has authority only over transmission projects rated at 100 kV and above.³ To make sure that Ohio consumers pay only just and reasonable charges for transmission services, more oversight is required regarding the necessity and cost of smaller, local transmission projects. Greater transparency is needed in the process by which Supplemental Projects are planned. And competitive bidding for the proposed projects is needed to protect consumers against unreasonable charges.⁴

OCC is Ohio’s residential utility consumer advocate.⁵ OCC submits these comments in response to OPSB’s Entry⁶ inviting comments from interested stakeholders before the OPSB

³ R.C. 4906.01 and 4906.04.

⁴ See e.g. *FirstEnergy Corp. to sell or close its nuclear power plants*, Cleveland.com, Updated Jan. 11, 2019 (reporting that former FirstEnergy Corp. CEO Charles Jones informed investors that “the company wanted to operate as a regulated utility – with guaranteed rates of return for improving or expanding its local wires and distant high-voltage transmission line.”). [FirstEnergy Corp. to sell or close its nuclear power plants - cleveland.com](https://www.cleveland.com/business/2019-01-11/firstenergy-corp-to-sell-or-close-its-nuclear-power-plants/)

⁵ Pursuant to R.C. Chapter 4911, OCC represents the interests of approximately 4.5 million Ohio residential utility customers in proceedings before state and federal administrative agencies and the courts.

⁶ *In the Matter of the Ohio Power Siting Board’s Report to the General Assembly Regarding the Power Transmission System*, Case No. 21-796-EL-UNC, Entry (July 14, 2021) (“July 14 Entry”) at ¶3.

files its report with the Ohio General Assembly. The OPSB should recommend statutory changes that will protect the interests of the millions of Ohio consumers that OCC represents. The draft legislative proposal attached to these comments would give OPSB the authority to review the need for, and cost-effectiveness of, new investment in transmission for all proposed transmission facilities rated at 69 kV and above. Such authority should include the ability to deny construction of any unnecessary transmission projects, as well as protect consumers from ever being charged for such projects.

In addition to promoting cost-effective projects, OPSB should also request that the legislation include a requirement for competitive bidding of Supplemental Projects. Competitive bidding would bring much needed rate protection and transparency to the planning process for local transmission projects in Ohio. These Supplemental Projects comprise more than 75% of all transmission projects planned in the state over the past four years.⁷ These proposed reforms also would bring due process that is seriously lacking for consumer protection.

II. RECOMMENDATIONS

A. The OPSB should act to close the existing regulatory gap that harms consumers paying for Supplemental Transmission Projects.

Utility investment in transmission projects can be both needed and expensive for consumers. Thus, regulatory oversight of the planning for these projects is imperative to guard against consumer charges for unnecessary and/or “gold-plated” projects. Regulatory oversight can occur at two levels: the federal level through FERC and PJM’s Regional Transmission Expansion Planning (“RTEP”) process, and the state level, through OPSB’s oversight.

⁷ PJM Ohio State Infrastructure Reports – Annual 2017 through 2020.

In something of a regulatory “Catch-22,” FERC delegated its authority over transmission project planning to PJM.⁸ But PJM’s authority extends only to transmission projects needed to resolve a region-wide system reliability criteria violation, market efficiency concern or operational performance problem, or for projects needed to meet state public policy needs such as renewable portfolio standards.⁹

PJM does not review local, Supplemental Projects for need or for the cost-effectiveness.¹⁰ These transmission projects remain a monopoly service for which consumers must pay. Region-wide in PJM, these local Supplemental Projects in 2020 totaled more than \$4.3 billion, far outstripping the \$1.7 billion in region-wide, baseline reliability RTEP projects regulated by PJM and FERC.¹¹ There is virtually no federal or state regulation over the planning, selection, or cost of Supplemental Projects to protect consumers from unnecessary transmission system investments (including gold-plating).¹² The State of Ohio, through legislation by the General Assembly, must close this regulatory gap and provide the oversight needed to guard against unjust and unreasonable charges to Ohio consumers.

The dollar impact of this crisis for Ohio consumers is significant. Between 2017 and 2019, the average central Ohio residential customer served by AEP Ohio paid approximately a

⁸ *Preventing Undue Discrimination and Preference in Transmission Service*, Order No. 890, FERC Stats. & Regs. 31,241 (2007) (Order No. 890), *order on reh’g*, Order No. 890-A, FERC Stats. & Regs. ¶ 31,261 (2007) (Order No. 890-A).

⁹ Amended and Restated Operating Agreement of PJM Interconnection, L.L.C., Schedule 6, Section 1.5.6(n) (although Supplemental Projects are included in the Regional Transmission Expansion Plan, they are reviewed by PJM only for the potential impact they may have on the regional system; unlike RTEP projects, Supplemental Projects are not approved by the PJM Board of Managers).

¹⁰ *Id.*

¹¹ *2020 State of the Markets Report for PJM*, Volume II, Detailed Analysis at 614 (Figure 12.5), prepared by Monitoring Analytics, LLC, Independent Market Monitor for PJM (March 11, 2021), available at https://www.monitoringanalytics.com/reports/PJM_State_of_the_Market/2020.shtml.

¹² *New York v. FERC*, 535 U.S. 1 (2002) (affirming FERC’s decision to exercise regulatory authority over transmission of electricity in unbundled, or retail choice states like Ohio).

50% increase in transmission service costs.¹³ Over that same period, the transmission component of consumers' bills increased from 10.2% to 17.3% as a percentage of their total electric bill.¹⁴ The primary reason for these increases to consumers is the significant escalation in the number and cost of Supplemental Projects.

PJM's 2020 Ohio State Infrastructure Report,¹⁵ issued in April 2021, shows the breakdown of transmission projects in Ohio where estimated costs exceeded \$5 million:

- 3 RTEP baseline projects, at an estimated cost of \$27.3 million;¹⁶ and
- 31 Supplemental Projects, at an estimated cost exceeding \$1.09 billion.¹⁷

In other words, 97.6% of the estimated costs for proposed new transmission in Ohio in 2020 was associated with Supplemental Projects that escape any regulatory review.

PJM's 2019 Ohio State Infrastructure Report,¹⁸ issued in May 2020, similarly shows that Supplemental Projects whose estimated costs exceeded \$5 million far exceed the number of regionally planned projects in PJM:

- 10 RTEP baseline projects, at an estimated cost of \$226.5 million;¹⁹ and
- 30 Supplemental Projects, at an estimated cost exceeding \$785 million.²⁰

¹³ OCC Presentation to the Public Utilities Commission of Ohio Transmission Meeting, July 15, 2019 by Kerry Adkins, Senior Regulatory Analyst.

¹⁴ OCC Presentation to the Public Utilities Commission of Ohio Transmission Meeting, July 15, 2019 by Kerry Adkins, Senior Regulatory Analyst.

¹⁵ 2020 Ohio State Infrastructure Report (April 2021), available at <https://www.pjm.com/-/media/library/reports-notices/state-specific-reports/2020/2020-ohio-state-infrastructure-report.ashx>.

¹⁶ *Id.* at Slides 3, 17.

¹⁷ *Id.* at Slides 3, 20-31.

¹⁸ 2019 Ohio State Infrastructure Report (May 2020) prepared by PJM Interconnection, L.L.C., available <https://www.pjm.com/-/media/library/reports-notices/state-specific-reports/2019/2019-ohio-state-infrastructure-report.ashx?la=en>.

¹⁹ *Id.* at Slides 3, 19-20.

²⁰ *Id.* at Slides 3, 23-37.

PJM's 2018 Ohio State Infrastructure Report,²¹ issued in May of 2019, also reveals similar results:

- 3 RTEP baseline projects with in-service dates in 2022 through 2023, at an estimated cost of \$119 million;²²
- 3 Network Upgrade projects with in-service dates in 2018 through 2019, at an estimated cost of \$18 million;²³ and
- 70 Supplemental Projects with in-service dates between 2018 through 2023, at an estimated cost of \$1.5 billion.²⁴

In fact, since 2017, Ohio utilities have planned more than \$3.85 billion in investment in Supplemental Projects – all of which evade regulatory oversight.²⁵ This trend is likely to continue, as evidenced by AEP's announcement at investor meetings that it plans to invest more than \$10 billion in new transmission facilities in PJM between 2021 and 2025, more than 84% of which is estimated to be local, Supplemental Projects.²⁶ No regulatory body stands between the utility and the Ohio consumers it will charge for these investments.

B. To protect consumers, OPSB should have regulatory authority and oversight over the need for and cost of Supplemental Projects rated 69 kV and above, and OPSB should not approve and allow consumer charges for transmission projects that are not needed for reliability purposes.

Although consumers and other stakeholders in the PJM region sought in 2020 to reform the PJM RTEP process to close the regulatory gap, FERC rejected those efforts. In Docket No.

²¹ 2018 Ohio State Infrastructure Report at Slides (May 2019) prepared by PJM Interconnection, L.L.C., available at <https://www.pjm.com/-/media/library/reports-notices/state-specific-reports/2018/2018-ohio-state-data.ashx?la=en>.

²² *Id.* at Slides 3, 18.

²³ *Id.* at Slides 3, 19.

²⁴ *Id.* at Slides 3, 21-32.

²⁵ *See supra*, n.10-12, n.13-15 and n.16-19; *see also* 2017 Ohio State Infrastructure Report at Slides 3, 18-30 (May 2018) prepared by PJM Interconnection, L.L.C., available at <https://www.pjm.com/-/media/library/reports-notices/state-specific-reports/2017/2017-ohio-state-infrastructure-report.ashx>.

²⁶ Morgan Stanley Fireside Chat and Investors Meeting, Slide 40, American Electric Power (June 1, 2021), available at <http://www.aep.com/Assets/docs/investors/eventspresentationsandwebcasts/MSFiresideChatPresentation060121.pdf>

ER20-2046-000,²⁷ FERC granted the PJM Transmission Owners' proposal to reduce PJM's and FERC's oversight over a special category of Supplemental Projects known as End-of-Life projects, *i.e.*, projects aimed at replacing existing transmission facilities that the individual transmission owner decides has reached the end of its useful life. Region-wide in PJM, these End-of-Life projects comprise more than 75% of all Supplemental Projects.²⁸ The PJM transmission owners proposed that they alone would: (a) determine the need for such projects using criteria that is not provided to consumers; (b) select solutions to identified transmission needs based solely on opaque criteria and decisions hidden from consumers; and (c) construct these projects with no oversight over project costs by PJM or any other regulatory authority.

In that docket, OCC advocated that FERC require PJM to revise its tariff rules to include (a) review of the need for any proposed Supplemental Projects regarding whether they meet electric reliability objectives; (b) a thorough cost/benefit analysis of expenditures for all such projects determined necessary; (c) a competitive solicitation requirement for all proposed Supplemental Projects; and (d) a selection process whereby the most cost-effective solution would be chosen for construction.²⁹ FERC rejected OCC's Protest, and protests filed by other parties, finding that transmission planning for Supplemental Projects remains within the rights of the PJM transmission owners under the PJM governing documents.³⁰

²⁷ *PJM Interconnection, L.L.C.*, 172 FERC ¶ 61,136, *order on reh'g*, 173 FERC ¶ 61,225 (2020). Petitions for Review are pending before the United States Court of Appeals for the District of Columbia Circuit in Case Nos. 21-1006 *et al.*

²⁸ Stakeholders' Proposal for End-of-Life Transmission Facilities at Slide 4, Presentation to the PJM Markets and Reliability Committee (April 30, 2020).

²⁹ Protest By The Office of The Ohio Consumers' Counsel (July. 6, 2020), PJM Interconnection, L.L.C., Docket No. ER20-2046-000, available at FERC's E-Library website at Accession # 20200706-5221.

³⁰ *PJM Interconnection, L.L.C.*, 172 FERC ¶ 61,136 at P 81.

In FERC Docket No. ER20-2308-000,³¹ FERC also rejected the competing PJM Stakeholder proposal that sought to expand PJM's and FERC's oversight to End-of-Life Supplemental Projects. The PJM Stakeholders' alternative proposal would have created a new category of projects, to be called "End-of-Life" projects, requiring all PJM Transmission Owners to develop and post planning criteria for such projects, and requiring competitive bidding for solutions that would solve any identified end-of-life transmission needs. The proposal would have required PJM to select the most cost-effective solution and would have required PJM Transmission Owners to provide advance notice of transmission lines expected to reach end-of-life conditions. This alternative proposal would have provided for comprehensive regulatory oversight and cost containment through a competitive solicitation process. FERC rejected this proposal, finding that the PJM Transmission Owners retained exclusive rights over transmission planning for local, Supplemental Projects.³²

In the absence of any meaningful action at the federal level to close the regulatory gap, it is now time for the Ohio General Assembly to use its jurisdiction to correct this serious flaw in regulatory oversight. OPSB should include in its report to the Ohio General Assembly a request that the General Assembly enact statutory reform that will extend OPSB's jurisdiction to review transmission projects rated at 69 kV and above to determine whether such projects are necessary. If the projects are determined not to be necessary, the OPSB should have the authority to deny approval of such projects and consumers should never be charged for such transmission projects.

³¹ *PJM Interconnection, L.L.C.*, 173 FERC ¶ 61,242 (2020), *order on reh'g*, 176 FERC ¶ 61,053 (2021). A Petition for Review is pending before the United States Court of Appeals for the District of Columbia Circuit in Case No. 21-1090.

³² *PJM Interconnection, L.L.C.*, 173 FERC ¶ 61,242 at P 51.

C. Competitive solicitation for cost effective transmission project planning is necessary to protect consumers.

OPSB should further recommend to the Ohio General Assembly that all transmission projects approved by OPSB at 69 kV and above should be subject to competitive solicitations for the construction, ownership, and daily operational control of those transmission facilities. This will safeguard the reliable supply of transmission services to consumers at just and reasonable rates. Ohio retail consumers' reliance on monopoly transmission service for transferring energy from power plants into the local distribution network has become increasingly compromised by the lack of a robust competition for transmission services. Just as power plant competition has benefited Ohio's consumers, competition for transmission services will provide consumers similar benefits by providing cost effective project solutions.

Competitive solicitations for transmission services should result in greater innovation and lower prices for Ohio's consumers. Competitive solicitations should also improve operating efficiencies and shift business risk from monopoly consumers to competitive transmission providers. In addition, competitive solicitations will improve transparency for Supplemental Transmission Projects, which currently are planned and approved independently by the monopoly transmission utility because PJM does not review these projects for need or for cost-effectiveness. Competition for transmission services should improve service quality and make the winning provider more responsive to consumer needs. Competition will increase transmission owner accountability to their consumers and regulators.

Competition for utility services is good for Ohioans. The Ohio General Assembly and OPSB should protect Ohio's consumers from monopoly abuses by shifting business risk from monopoly providers and their consumers to competitive providers. Competitive solicitations for transmission services at 69 kV and above will help realize this laudable objective and will

safeguard just and reasonable rates for Ohioans for new or replacement transmission facilities that have been determined necessary for reliable service.

Finally, OPSB should recommend that the Ohio General Assembly prohibit the collection of state-authorized transmission utility rate incentives for any transmission project that was, for whatever the reason, not subject to a competitive bid process for the construction, ownership, and daily operational control of that facility. Standard rate of return payments from consumers for the provision of a monopoly service should be sufficient to compensate utility shareholders. Captive consumers should not be asked to make extra unnecessary payments for unwarranted utility profits.

D. To protect consumers, the OPSB should recommend that the General Assembly adopt the attached proposed legislation aimed at closing the Supplemental Project regulatory gap.

To aid OPSB in advocating for new authority to review the need for and cost-effectiveness of all transmission projects rated at 69 kV and above to be constructed in Ohio, OCC has attached to these Comments proposed draft legislation targeted at that objective. This draft legislation includes a requirement that transmission owners in Ohio competitively solicit solutions for any identified local planning needs for all transmission facilities rated at 69 kV and above.

III. CONCLUSION

OCC respectfully requests that OPSB issue a report to the Ohio General Assembly urging it to adopt legislation that is needed now to protect Ohio consumers against unjust and unreasonable increases in transmission charges for investment in Supplemental Projects. OPSB should advocate for legislation that would give it the regulatory authority to review and approve transmission facilities rated at 69 kV and above and to implement the recommendations discussed in OCC's comments.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of these Comments was served on the persons stated below via electronic transmission, this 4th day of August 2021.

/s/ Angela D. O'Brien
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Assistant Consumers' Counsel

The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

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AN ACT

To amend sections 4906.01, 4906.04, 4906.06 and 4906.10 of the Revised Code to authorize the Power Siting Board to review the need for, and cost-effectiveness of, new investment in transmission for all proposed transmission facilities rated at 69 kV and above; to impose a requirement for a cost-benefit analysis and for competitive solicitation for such transmission projects, and to make any transmission project rated 69 kV and above ineligible for any state-authorized transmission incentive if that project was not subject to a competitive solicitation process.

Be it enacted by the General Assembly of the State of Ohio:

Section 1: That Section 4906.01 | Power siting definitions, section (b)(1)(b) of the Ohio Revised Code be enacted to read as follows:

(B)(1) "Major utility facility" means:

(a) Electric generating plant and associated facilities designed for, or capable of, operation at a capacity of fifty megawatts or more;

(b) An electric transmission line and associated facilities of a design capacity of sixty-nine (69) ~~one hundred~~ kilovolts or more;

Section 2: That Section 4906.04 | Certificate required for construction of major utility facility, of the Ohio Revised Code be enacted to read as follows:

No person shall commence to construct an electric transmission facility in this state without first having obtained a certificate for the facility from the power siting board. The replacement of an existing facility with a like facility, as determined by the power siting board, shall ~~not~~ constitute construction of a major utility facility. Such replacement of a like facility is subject to all ~~not exempt from any~~ other requirements of state or local laws or regulations. Any facility, with respect to which such a

certificate is required, shall thereafter be constructed, operated, and maintained in conformity with such certificate and any terms, conditions, and modifications contained therein.

A certificate may only be issued pursuant to Chapter 4906 of the Revised Code. In addition to any other powers the power siting board may be granted under Chapter 4906 of the Revised Code, the power siting board has the authority to review any application for a certificate for the construction of a major utility facility that is a transmission facility, and in such case, the power siting board shall:

- (a) determine the need for the proposed facility or proposed changes to the facility;
- (b) conduct a thorough cost of service and cost/benefit analysis of the proposed transmission facility;
- (c) require that any proposed electric transmission line and associated facilities must be subject to competitive solicitation for the ownership, construction, and daily operational control of such facility; and
- (d) select from among the competitive proposals received the transmission project that will be the most cost-effective solution for resolving the transmission needs identified by the utility.

Owners of, or persons controlling, any project selected by the power siting board as the most cost-effective solution for resolving the transmission needs identified by the utility shall be subject to the jurisdiction of the power siting board and the Public Utilities Commission of Ohio as a public utility.

Any major utility facility that is a transmission facility that was, for any reason, not subject to a competitive bid solicitation process for the construction, ownership, and daily operational control of that facility, is not eligible for collection of any state-authorized transmission utility rate incentives from retail consumers in Ohio.

A certificate may be transferred, subject to the approval of the board, to a person who agrees to comply with the terms, conditions, and modifications contained therein.

Section 3: That Section 4906.06 | Certificate application, of the Ohio Revised Code be enacted to read as follows:

(A) An applicant for a certificate shall file with the office of the chairperson of the power siting board an application, in such form as the board prescribes, containing the following information:

- (1) A description of the location and of the major utility facility;
- (2) A summary of any studies that have been made by or for the applicant of the environmental impact of the facility;
- (3) A statement explaining the need for the facility;
- (4) A statement of the reasons why the proposed location is best suited for the facility;
- (5) A statement of how the facility fits into the applicant's forecast contained in the report submitted under section 4935.04 of the Revised Code;
- (6) Such other information as the applicant may consider relevant or as the board by rule or order may require. Copies of the studies referred to in division (A)(2) of this section shall be filed with the office of the chairperson, if ordered, and shall be available for public inspection.
- (7) If the major utility facility is a transmission facility, the application must include an identification of any benefits to be provided by the facility, identification of the estimated cost of the proposed facility, and a demonstration that the benefits exceed the costs;
- (8) If the major utility facility is a transmission facility, the application must include information demonstrating that the utility posted a competitive solicitation for the ownership, construction, and daily operational control of such facility, including all necessary documentation regarding the solicitation process, the competing bids received and associated estimated costs; and
- (9) If the major utility facility is a transmission facility, information demonstrating that the proposed project is the most cost-effective solution for resolving the transmission needs identified by the utility.

The application shall be filed not more than five years prior to the planned date of commencement of construction. The five-year period may be waived by the board for good cause shown.

(B) Each application shall be accompanied by proof of service of a copy of such application on the chief executive officer of each municipal corporation and county, and the head of each public agency charged with the duty of protecting the environment or of planning land use, in the area in which any portion of such facility is to be located.

(C) Each applicant within fifteen days after the date of the filing of the application shall give public notice to persons residing in the municipal corporations and counties entitled to receive notice under division (B) of this section, by the publication of a summary of the application in newspapers of general circulation in such area. Proof of such publication shall be filed with the office of the chairperson.

(D) Inadvertent failure of service on, or notice to, any of the persons identified in divisions (B) and (C) of this section may be cured pursuant to orders of the board designed to afford them adequate notice to enable them to participate effectively in the proceeding. In addition, the board, after filing, may require the applicant to serve notice of the application or copies thereof or both upon such other persons, and file proof thereof, as the board considers appropriate.

(E) An application for an amendment of a certificate shall be in such form and contain such information as the board prescribes. Notice of such an application shall be given as required in divisions (B) and (C) of this section.

(F) Each application for certificate or an amendment shall be accompanied by the application fee prescribed by board rule. All application fees, supplemental application fees, and other fees collected by the board shall be deposited in the state treasury to the credit of the power siting board fund, which is hereby created. The chairperson shall administer and authorize expenditures from the fund for any of the purposes of this chapter. If the chairperson determines that moneys credited to the fund from an applicant's fee are not sufficient to pay the board's expenses associated with its review of the application, the chairperson shall request the approval of the controlling board to assess a supplemental application fee upon an applicant to pay anticipated additional expenses associated with the board's review of the application or an amendment to an application. If the chairperson finds that an application fee exceeds the amount needed to pay the board's expenses for review of the application, the chairperson shall cause a refund of the excess amount to be issued to the applicant from the fund.

Section 4: That Section 4906.10 | Basis for decision granting or denying certificate, of the Ohio Revised Code be enacted to read as follows:

(A) The power siting board shall render a decision upon the record either granting or denying the application as filed, or granting it upon such terms, conditions, or modifications of the construction, operation, or maintenance of the major utility facility as the board considers appropriate. The certificate shall be conditioned upon the facility being in compliance with standards and rules adopted under section 4561.32 and Chapters 3704., 3734., and 6111. of the Revised Code. An applicant may withdraw an application if the board grants a certificate on terms, conditions, or modifications other than those proposed by the applicant in the application.

The board shall not grant a certificate for the construction, operation, and maintenance of a major utility facility, either as proposed or as modified by the board, unless it finds and determines all of the following:

- (1) The basis of the need for the facility if the facility is an electric transmission line or gas pipeline;
- (2) The nature of the probable environmental impact;
- (3) That the facility represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives, and other pertinent considerations;
- (4) In the case of an electric transmission line or generating facility, that the facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems and that the facility will serve the interests of electric system economy and reliability;
- (5) That the facility will comply with Chapters 3704., 3734., and 6111. of the Revised Code and all rules and standards adopted under those chapters and under section 4561.32 of the Revised Code. In determining whether the facility will comply with all rules and standards adopted under section 4561.32 of the Revised Code, the board shall consult with the office of aviation of the division of multi-modal planning and programs of the department of transportation under section 4561.341 of the Revised Code.
- (6) That the facility will serve the public interest, convenience, and necessity;

(7) In addition to the provisions contained in divisions (A)(1) to (6) of this section and rules adopted under those divisions, what its impact will be on the viability as agricultural land of any land in an existing agricultural district established under Chapter 929. of the Revised Code that is located within the site and alternative site of the proposed major utility facility. Rules adopted to evaluate impact under division (A)(7) of this section shall not require the compilation, creation, submission, or production of any information, document, or other data pertaining to land not located within the site and alternative site.

(8) That the facility incorporates maximum feasible water conservation practices as determined by the board, considering available technology and the nature and economics of the various alternatives.

(9) If the major utility facility is an electric transmission line and associated facilities, that the projected benefits of any such facility exceeds its estimated costs;

(c) If the major utility facility is an electric transmission line and associated facilities that the ownership, construction, and daily operational control of such facility is provided through a competitive solicitation process; and

(d) If the major utility facility is a an electric transmission line and associated facilities that the utility must show such facility to be the most cost-effective solution for resolving the transmission needs identified by the utility.

(B) If the board determines that the location of all or a part of the proposed facility should be modified, it may condition its certificate upon that modification, provided that the municipal corporations and counties, and persons residing therein, affected by the modification shall have been given reasonable notice thereof.

(C) A copy of the decision and any opinion issued therewith shall be served upon each party.

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in

Case No(s). 21-0796-EL-UNC

Summary: Comments Comments in Support of Legislation to Protect Ohio Consumers from Unjust and Unreasonable Charges for Investments in Supplemental Transmission Projects by Office of The Ohio Consumers' Counsel electronically filed by Mrs. Tracy J Greene on behalf of O'Brien, Angela D