

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

In the Matter of the Construction Notice Application of)
AEP Ohio Power Company, Inc. for the Waverly-Lick)
138 kV Transmission Line Relocation and Lick Station) Case No. 21-0591-EL-BNR
Expansion 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 September 8, 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 September 8, 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: 21-0591-EL-BNR
Project Name: Waverly-Lick 138 kV Line Relocation
Project Location: Jackson County
Applicant: AEP Ohio Power Company, Inc.
Application Filing Date: June 9, 2021
Filing Type: Construction Notice
Inspection Date: August 30, 2021
Report Date: September 1, 2021
Recommended Automatic Approval Date: September 8, 2021
Applicant's Waiver Requests: None
Staff Assigned: T. Crawford, A. DeLong, M. Bellamy, R. Holderbaum

Summary of Staff Recommendations (see discussion below):

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

Project Description and Need

AEP Ohio Power Company, Inc (AEP Ohio Power or Applicant) proposes to relocate approximately 0.11 miles of the existing Waverly-Lick 138 kilovolt (kV) transmission line to allow expansion of the Lick Substation for the accommodation of additional station equipment, including replacement of three 138 kV transformers and the addition of a 138 kV circuit breaker. Two existing wood monopole structures would also be relocated and replaced with steel monopoles. The land needed for the substation expansion is already owned by the Applicant.

The Applicant states that the relocation of the 138 kV line is necessary to allow for the expansion of the substation to accommodate the additional electrical equipment and the correction of deteriorating conditions of the existing station assets. Further deterioration of the station conditions and assets such as transformers and circuit breakers increases the risk of outages to the approximately 8,000 customers served by the Lick Substation.

Upgrades to the transmission system are part of PJM Interconnection, LLC's PJM Regional Transmission Expansion Planning (RTEP) process.¹ The need and solution for this project were

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.

presented to PJM on October 28, 2018 and December 18, 2019, respectively. The project was assigned the supplemental ID s2154.² Supplemental projects or upgrades refer to transmission expansions or enhancements not needed to comply with PJM reliability, operational performance, Federal Energy Regulatory Commission Form No. 715 criteria, economic planning, and public policy planning (State Agreement Approach).³

The Applicant indicates that it did not include this project in its Long-Term Forecast Report (LTFR) since the project does not result in the creation of any new circuit or station.⁴

The Applicant anticipates construction to begin during October 2021 with an in-service date planned for January 2023. The capital cost of the replacement project is estimated to be \$3,100,000.⁵

Nature of Impacts

Socioeconomic Impacts

The project would be located in Lick Township in Jackson County. The land use in the project area is industrial, containing electrical infrastructure. The land use surrounding the project area is roadway and wood lots. The Applicant states there are “no known residences within 100 feet of the project.” This project would be located at the southeast portion of the diamond interchange formed by the intersections of US-35 and OH-32, OH-124. There are no recreational resources within 1,000 feet of the project area. The project is expected to require approximately five acres of tree clearing.

Agricultural Land

The Applicant states that none of the parcels that the project would cross are registered as Agricultural District Land, and the project would not cross any active row crop agricultural land.

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. One previously identified archaeological site, and one newly discovered archaeological site were

2. <https://www.pjm.com/-/media/committees-groups/committees/srrtep-w/postings/aep-local-plan-submission-of-the-supplemental-projects-for-2020-rtep.ashx> (Accessed June 11, 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 LTFR 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 circuit or station” within its LTFR.

5. The Applicant indicates that the cost of the installation project is a Class 4 estimate, and will be projected to be transmission plant, and pursuant to the PJM Open Access Transmission Tariff, the cost will be recovered in the Applicant’s FERC formula rate (Attachment H-14) and would be allocated to the AEP Zone.

identified from these studies. The previously identified archaeological site was previously not recommended for inclusion for listing in the National Register of Historic places and the Applicant's consultant is not recommending inclusion of the newly discovered site or the previously identified site. The consultant suggested that no further cultural resource management work was necessary. The historical survey did not identify any resources 50 years and older in the Project's area of potential effect and recommended 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 or archaeological 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 Applicant identified four streams within the route's survey corridor: one perennial stream, one intermittent stream, and two ephemeral streams. No in-water work is planned for this project. No permanent impacts to streams are anticipated. Minimal temporary impacts from timber matting are anticipated where necessary from access roads. No ponds were identified within the project area.

The Applicant delineated two wetlands within the proposed route's survey corridor totaling 0.652 acres. All delineated wetlands were Category 1 wetlands.⁶ No permanent impacts are anticipated to wetlands. Minimal temporary impacts from timber matting are anticipated where necessary from access roads and work pads. If at any time permanent impacts to wetlands are anticipated, Staff recommends that the applicant submit for coverage through the U.S. Army Corps of Engineers Nationwide Permit 12 under Section 404 of the Clean Water Act.

The Applicant would submit a Notice of Intent for coverage under the Ohio Environmental Protection Agency (Ohio EPA) 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 and other best management practices would be used where appropriate to minimize runoff impacts to nearby streams. The project would not overlap with a 100-year floodplain area.

Threatened and Endangered Species

One of the missions of the Ohio Department of Natural Resources (ODNR) is to "conserve and improve the fish and wildlife resources and their habitats and promote their use and appreciation by the public so that these resources continue to enhance the quality of life for all Ohioans." In carrying out this mission, the ODNR considers the "status of native wildlife species [to be] very important" and therefore lists wildlife species needing protection.⁷ In addition to endangered species, those species classified as "threatened" are considered during OPSB project planning and

6. 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.

7. Ohio Department of Natural Resources, Division of Wildlife, "Ohio's Listed Species," Publication 5356 (R0520), <https://ohiodnr.gov/static/documents/wildlife/state-listed-species/Ohio's%20Listed%20Species%20pub356.pdf>, accessed June 3, 2021.

approval because these species are those “whose survival in Ohio is not in immediate jeopardy, but to which a threat exists. Continued or increased stress will result in its becoming endangered.”⁸

The Applicant states approximately five acres of tree clearing would be required for this project. The project area is within the range of state and federally endangered Indiana bat (*Myotis sodalis*), the federally threatened northern long-eared bat (*Myotis septentrionalis*), the state endangered little brown bat (*Myotis lucifugus*), and the state endangered tricolored bat (*Perimyotis subflavus*). 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 these listed bat species, the ODNR and the U.S. Fish and Wildlife Service (USFWS) recommend seasonal tree cutting dates of October 1 through March 31 for all trees that are 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 project is located 0.25 mile from an abandoned mine shaft that could potentially be suitable habitat for these species. However, the Applicant coordinated with the USFWS on this abandoned mine for a nearby project in 2018, and the USFWS did not require the Applicant to conduct portal searches for listed bat species. The proposed project is not expected to impact any bat hibernacula.

The project is within the range of the state endangered and federal species of concern timber rattlesnake (*Crotalus horridus*), the state threatened Kirtland’s snake (*Clonophis kirtlandii*), and the state threatened midland mud salamander (*Pseudotriton montanus diastictus*). Due to the location of the project, the type of habitat present in the project area, and the type of work proposed, no impacts to these species are anticipated.

The project lies within the range of the state endangered Northern harrier (*Circus hudsonis*), and the state threatened sandhill crane (*Grus canadensis*). Potential suitable habitat for these species may exist within the project area. Staff recommends that construction be avoided in these species’ potential habitat during the species’ nesting periods of May 15 through August 1 for the Northern harrier, and April 1 through September 1 for the sandhill crane, unless coordination with the ODNR allows a different course of action.

The project is within the range of several state and federal listed mussel and fish species. Due to no in water work being proposed for this project, impacts to these species are not anticipated.

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 September 8, 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

8. Ibid.

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 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.
- (3) The Applicant shall adhere to the seasonal tree cutting dates of October 1 through March 31 for removal of any trees greater than three inches in diameter unless coordination efforts with the ODNR and the USFWS 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) Construction in northern harrier preferred nesting habitat types shall be avoided 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. If present, mapping of these habitat areas shall be provided to the construction contractor along with instructions to avoid these areas during the restricted dates.
- (5) Construction in sandhill crane preferred nesting habitat types shall be avoided during the species' nesting period of April 1 through September 1. Mapping of these habitat areas shall be provided to the construction contractor along with instructions to avoid these areas during the restricted dates, unless coordination with the ODNR allows a different course of action. If present, mapping of these habitat areas shall be provided to the construction contractor along with instructions to avoid these areas during the restricted dates.

This foregoing document was electronically filed with the Public Utilities

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Case No(s). 21-0591-EL-BNR

Summary: Staff Report of Investigation electronically filed by BreAnna J. Freeman on behalf of Staff of OPSB