

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 Buckeye Co-) **Case No. 21-0613-EL-BNR**
Op Extension-Fayette 138 kV Line Rebuild Project)

Members of the Board:

Chair, Public Utilities Commission	Ohio House of Representatives
Director, Department of Development	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 28, 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 28, 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: 21-0613-EL-BNR
Project Name: Buckeye Co-Op Extension-Fayette 138 kV Line Project
Project Location: Lawrence County
Applicant: AEP Ohio Power Company, Inc.
Application Filing Date: June 29, 2021
Filing Type: Construction Notice
Inspection Date: September 9, 2021
Report Date: September 21, 2021
Recommended Automatic Approval Date: September 28, 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 rebuild approximately 0.1 miles of the existing single circuit Buckeye Co-Op Extension-Fayette 138 kilovolt (kV) transmission line from the South Point-Sporn 138 kV transmission line to the Fayette Substation, which is owned by the Buckeye Rural Electric Cooperatives (Buckeye). This project would also install a new three-way switch to replace the existing hard tap along the South Point-Sporn 138 kV transmission line. The application for the switch installation project was filed separately as Case No. 21-0606-EL-BNR. Most of the land needed for the new switch is within the existing right-of-way of the Buckeye Co-Op Extension-Fayette transmission line. Applicant states it is seeking supplemental easements from Buckeye, and is coordinating with Buckeye to obtain two other easements necessary for the project.

Applicant states that the project is necessary to replace the hard tap which serves the Buckeye Co-Op consisting of approximately 800 customers. Hard taps limit the transmission operator's ability to sectionalize the load for minimizing outage durations and improving recovery time following isolation and removal of a fault. The new switch would improve the reliability of service and reduce occurrences of service interruption. The assets would be owned by AEP Ohio Power.

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 presented to PJM on May 20, 2019 and December 18, 2019, respectively. The project was assigned the supplemental ID s2159.² The project is part of an overall supplemental project to replace four hard tap-connected deliver points along the South Point-Sporn 138 kV line with three-way, phase-over-phase switches. Supplemental projects or upgrades refer to transmission expansions or enhancements not needed to comply with PJM reliability, operational performance, FERC Form No. 715 criteria, economic planning, and public policy planning (State Agreement Approach).³

The Applicant indicates that it will include this project in a supplement to the Company's 2021 Long-Term Forecast Report (LTFR).⁴

The Applicant anticipates construction to begin during October 2021 with an in-service date planned for November 2021. The capital cost of the replacement project is estimated to be \$566,500.⁵

Nature of Impacts

Land Use

The project is located in Fayette Township, Lawrence County. Fayette Township is an unincorporated area. The land uses in the project area are primarily rural residential and forested areas. There is a church building located 975 feet from the project, however it is not presently operating as a church. The Applicant states there are no parks, nature preserves, or wildlife management areas within 1,000 feet of the project. There are two delineated wetlands within the project area, though the project is expected to impact less than 0.01 acres of the palustrine emergent wetlands.

In coordination with the Lawrence County Auditor's Office, the Applicant states the project would not be located on any agricultural district land, nor on any active agricultural row crop land.

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.

2. <https://www.pjm.com/-/media/committees-groups/committees/teac/2020/20201104-teac-info-only-aep-local-plan-submission-of-the-supplemental-projects-for-2020-rtep.ashx> (Accessed July 8, 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 acknowledges and concurs with the Applicant's plan to include this project in its coming 2021 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.

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 transmission line project. The consultant determined that the project would not involve or impact any significant cultural resources or landmarks, and that no further cultural resource management work was considered to be 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. Staff agrees with these findings.

Surface Waters

No streams or ponds were identified within the project area. The Applicant delineated two wetlands within the proposed route's survey corridor. All delineated wetlands were Category 1 wetlands.⁶ One wetland would be crossed during construction resulting in less than 0.1 acre of permanent impacts to wetlands. Minimal temporary impacts from timber matting are anticipated where necessary from access roads and work pads. The Applicant received a jurisdictional determination from the U. S. Army Corps of Engineers on May 20, 2021 stating both wetlands are not jurisdictional wetlands of the United States and are not subject to regulations under Section 404.

The Applicant submitted a Notice of Intent for coverage under the Ohio Environmental Protection Agency (Ohio EPA) National Pollutant Discharge Elimination System General Permit. The Ohio EPA granted the permit on June 14, 2021 stating the Applicant's reservation of 0.1 credits from The Nature Conservancy's In-Lieu fee program at the Raccoon-Symmes Watershed meets the requirements for 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 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 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*

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.

8. Id.

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 proposed project is not expected to impact any bat hibernacula.

In order to conduct tree clearing outside of the seasonal tree cutting dates, the Applicant conducted mist net surveys on June 4 and June 5, 2021 and coordinated the surveys with the USFWS and the ODNR. No bats were captured during the surveys. The USFWS and the ODNR both concurred that tree clearing outside of the seasonal tree clearing dates is unlikely to result in impacts to listed bat species. Staff concurs, no impacts to these species are anticipated.

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, the location of the project, and the type of work proposed, no impacts to these species are 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 28, 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 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.

This foregoing document was electronically filed with the Public Utilities

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Case No(s). 21-0613-EL-BNR

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