

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

In the Matter of the Construction Notice Application of)
AEP Ohio Power Company for the Southwest)
Lima-West Moulton and St Mary's-West Moulton 138) Case No. 21-0893-EL-BNR
kV Transmission line Adjustment 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 December 30, 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 objections you or your designee may have with this case to my office at least four business days prior to December 30, 2021, which is the recommended automatic approval date.

Sincerely,



Theresa White
Executive Director
Ohio Power Siting Board

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 21-0893-EL-BNR
Project Name: Southwest Lima-West Moulton and St Mary's-West Moulton 138 kV Transmission Line Adjustment
Project Location: Auglaize County
Applicant: AEP Ohio Power Company
Application Filing Date: October 1, 2021
Filing Type: Construction Notice
Inspection Date: December 9, 2021
Report Date: December 23, 2021
Recommended Automatic Approval Date: December 30, 2021
Applicant's Waiver Requests: None
Staff Assigned: A. Renick, M. Bellamy, A. Conway, J. Cross, A. DeLong

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 (Applicant) proposes the construction of a new 0.15-mile of 138 kilovolt (kV) line to tie-in between the existing City of St. Mary's Substation with the Applicant's West Moulton Station as well as a 0.16-mile rebuild of the existing Southwest Lima-West Moulton 138 kV transmission line.

The tie-in portion of the project is needed to meet the request of Dayton Power and Light Company's d/b/a AES Ohio's West Moulton 138 kV Station Expansion Project (AES Ohio Project) which was approved in case number 21-0892-EL-BLN.¹ The AES Ohio Project requires the construction of a new transmission tie-line between the city of St. Mary's Substation with AEP's West Moulton Station (i.e. the present application). The City of Saint Mary's delivery point is currently served by a hard-tap from the existing Southwest Lima-West Moulton 138 kV line. By eliminating the hard-tap, the city of Saint Mary's delivery point would be served by the West Moulton Station (Saint Mary's-West Moulton 138 kV Transmission Line) where reliability and operational flexibility would be improved. Additionally, the expansion of the West Moulton Station requires the Southwest Lima-West Moulton 138 kV Transmission Line to be shortened to

1. In the Matter of the Letter of Notification Application of AEP Ohio Transmission Company, Inc. for the West Moulton 138 kV Station Expansion Project, Case No. 21-0892-EL-BLN, Staff Report of Investigation, Approved, December 2, 2021.

connect to the expanded section of the station. Four structures of the Southwest Lima-West Moulton line would be removed, and three would be rebuilt to replace the existing hard tap and allow for the connection into the proposed expansion.

In addition, the project would help avoid potential extended outages and improves reliability to AES Ohio customers.

This project's need and solution was presented and reviewed with PJM Interconnection, LLC (PJM) stakeholders at the "Subregional RTEP Committee – Western" meeting on October 26, 2018, and January 11, 2019.^{2, 3, 4} Transmission owners plan supplemental projects in accordance with PJM's Open Access Transmission Tariff, Attachment M-3 process. The project was issued supplemental PJM upgrade ID s1856.5, whereby the project status can be tracked on PJM's website.⁵ The Applicant states the project was inadvertently excluded in the most recent Long-Term Forecast Report (LTFR) because it was not identified at the time of the most recent filing.⁶ The capital and total costs of the proposed transmission line projects are estimated to be \$1,100,000.⁷

Nature of Impacts

Land Use

The primary land use within the project area is agricultural, with scattered woodland. The surrounding area is rural and consists of active and old agricultural fields, woodlots, and landscaped areas. The project would be contained in St. Mary's Township in Auglaize County. According to the Auglaize County Auditor, the project does not cross any Agricultural District Land parcels. The project would be sited on existing easements or property owned by the company, or property owned by the City of St. Mary's.

2. 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.

3. PJM Interconnection, "Subregional RTEP Committee - Western," October 26, 2018, AEP Supplemental's, Need No. (AEP-2018-OH001), <https://pjm.com/-/media/committees-groups/committees/srrtep-w/2020/20200221/20200221-aep-supplementals.ashx> (Accessed December 3, 2021).

4. PJM Interconnection, "Subregional RTEP Committee - Western," January 11, 2019, AEP Supplemental's, Need No. (AEP-2018-OH001), <https://www.pjm.com/-/media/committees-groups/committees/srrtep-w/20190111/20190119-aep-supplementals.ashx> (Accessed December 3, 2021).

5. PJM Interconnection, "Transmission Construction Status," <https://pjm.com/planning/project-construction.aspx>. (Accessed December 3, 2021).

A Supplemental Project is defined in the PJM Operating Agreement as a transmission expansion or enhancement that is not required for compliance with the following PJM criteria: system reliability, operational performance or economic criteria, pursuant to a determination by the Office of the Interconnection and is not a state public policy project pursuant to Operating Agreement, Schedule 6, section 1.5.9(a)(ii). See also, PJM Manual 14B: PJM Region Transmission Planning Process, Revision 50, effective July 1, 2021, available at: <https://www.pjm.com/-/media/documents/manuals/m14b.ashx>.

6. 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 within its LTFR.

7. Applicant indicates that, \$1,100,000, would be included in the Applicant's formula rate (Attachment H-20 to the PJM Open Access Transmission Tariff) and would be assessed on all transmission customers within the AEP zone, as the project is a through path facility benefiting all ratepayers.

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 not involve or 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. Staff agrees with these findings.

*Surface Waters*⁸

Wetland and stream delineation field surveys were completed within the project area by the Applicant's consultant in January 2020. The survey identified three Category 1 wetlands totaling 1.57 acres and one intermittent stream. The project is anticipated to temporarily impact 0.1 acres of wetland due to timber matting and permanently impact 0.001-acres of wetland due to the installation of a new structure.

The Applicant would file a Notice of Intent with the Ohio Environmental Protection Agency for authorization of construction stormwater impacts under the National Pollutant Discharge Elimination System General Permit prior to the beginning of construction. The Applicant would also coordinate storm water permitting needs with local government agencies, as necessary. The Applicant would implement and maintain best management practices as outlined in the project-specific Storm Water Pollution Prevention Plan to minimize erosion, control sediment, and protect surface water quality during storm events.

This project does not fall within a FEMA 100-year floodplain.

*Threatened and Endangered Species*⁹

Impacts to state and federal listed species within range of this project are not anticipated due to lack of in-water work, lack of impacts to suitable habitat, and minimal tree clearing. The Applicant has committed to the clearing of shrubs and saplings to further avoid impacts to these species.

8. The Ohio EPA website states: "The Division of Surface Water ensures compliance with the federal Clean Water Act and works to increase the number of water bodies that can be safely used for swimming and fishing. The division issues permits to regulate wastewater treatment plants, factories and storm water runoff; develops comprehensive watershed plans aimed at improving polluted streams; and samples streams, lakes and wetlands — including fish, aquatic insects and plants — to determine the health of Ohio's water bodies." (Ohio EPA, About Us: Surface Water, <https://www.epa.ohio.gov/About#127147228-surface-water>); The U.S. Army Corps of Engineers website states: "The U.S. Army Corps of Engineers (USACE) Regulatory Program involves the regulating of discharges of dredged or fill material into waters of the United States and structures or work in navigable waters of the United States, under section 404 of the Clean Water Act and section 10 of the Rivers and Harbors Act of 1899." (USACE, Obtain a Permit, <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit/>); The Ohio Department of Natural Resources (ODNR) website states: "The Division of Water Resources manages statewide oversight of dams & levees, floodplains, and the collection and management of data related to the state's water resources." (ODNR, Division of Water Resources, <https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/safety-conservation/about-odnr/water-resources/water-resources>).

9. Based on agency coordination with the USFWS and ODNR, identified species of concern are, in general, defined as those species that are protected under the federal Endangered Species Act of 1973, as amended (16 U.S.C. §§ 1531-1544) and/or according to the Conservation of Natural Resources within R.C. 1518.01-1518.99;

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 December 30, 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.
- (3) The Applicant shall contact Staff, the Ohio Department of Natural Resources, and the U.S. Fish and Wildlife Service within 24 hours if state or federal listed species are encountered during construction activities. Construction activities that could adversely impact the identified plants or animals shall be immediately halted until an appropriate course of action has been agreed upon by the Applicant, Staff, and the appropriate agencies.

1531.25; and 1531.99. See also e.g., R.C. 1531.08 states, in part: "In conformity with Section 36 of Article II, Ohio Constitution, providing for the passage of laws for the conservation of the natural resources of the state, including streams, lakes, submerged lands, and swamplands, and in conformity with this chapter and Chapter 1533. of the Revised Code, the chief of the division of wildlife has authority and control in all matters pertaining to the protection, preservation, propagation, possession, and management of wild animals and may adopt rules under section 1531.10 of the Revised Code for the management of wild animals."

One of the missions of the 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. (ODNR, State Listed Species, <https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/safety-conservation/about-ODNR/wildlife/state-listed-species>).

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

Case No(s). 21-0893-EL-BNR

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