

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Application of the Dayton Power and Light Company d/b/a AES Ohio for the Amendment to the West Milton-Eldean 138 kV Transmission Line Project** )  
)  
) **Case No. 21-0897-EL-BTA**  
)

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 rules. The application in this case is subject to an approval process as required by Ohio Revised Code (R.C.) 4906.03 and Ohio Administrative Code (Ohio Adm. Code) 4906-6.

Respectfully Submitted,



Theresa White  
Executive Director  
Ohio Power Siting Board

## OPSB STAFF REPORT OF INVESTIGATION

**Case Number:** 21-0897-EL-BTA  
**Project Name:** Amendment to the West Milton-Eldean 138 kV Transmission Line Project (associated prior case no. 18-1259-EL-BTX)  
**Project Location:** Miami County  
**Applicant:** The Dayton Power and Light Company b/d/a AES Ohio  
**Application Filing Date:** October 19, 2021  
**Filing Type:** Amendment  
**Inspection Date:** November 5, 2021  
**Report Date:** January 5, 2022

**Applicant's Waiver Requests:** None  
**Staff Assigned:** E. Morrison, G. Zeto

### Summary of Staff Recommendations (see discussion below):

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

### Project Description and Need

The Dayton Power and Light Company d/b/a AES Ohio (Applicant) proposes an amendment to the West Milton-Eldean 138 kilovolt (kV) transmission line rebuild project which was approved by the Ohio Power Siting Board (OPSB) on January 16, 2020 in Case No. 18-1259-EL-BTX.

The Applicant states that detailed engineering of the transmission line after the OPSB approval of the route has progressed since the approval of the original application, and there became a need for four alignment changes. The need for the facility and the grid impacts associated with the facility are the same as those presented in the original case 18-1259-EL-BTX. This amendment proposes route adjustments that would total 3.67 miles in length. These adjustments would not change the overall length of the project. These changes are categorized by the Applicant as reroutes of the alignment previously approved by the OPSB.

The West Milton-Eldean 138 kV project was originally approved as a new line involving 16.7 miles of transmission line to connect the West Milton and Eldean substations. The addition of this line to the current grid topology would improve reliability for the area customers.

Upgrades to the transmission system are part of PJM Interconnection, LLC's (PJM) Regional Transmission Expansion Planning (RTEP) process.<sup>1</sup> The project was identified through RTEP's contingency analysis and was approved by PJM as a baseline project. Baseline upgrades include projects planned for reliability, operational performance, FERC Form No. 715 criteria, economic planning, and public policy planning (State Agreement Approach). The project was assigned the upgrade ID No. b1572.

The Applicant began construction of the project in December 2021 with an expected in-service date of June 1, 2022. The capital cost of the entire project is estimated to be approximately \$13,000,000.

### *Structure Location Adjustments*

The proposed adjustments to the preferred route were shown in Exhibit 1 of the application. These adjustments were made due to right-of-way negotiations with landowners. The Applicant further states there would be no additional environmental impacts.

Davis Road Reroute: This change moves the proposed line approximately 50 feet to the opposite side of the road as it parallels Davis Road between Milton Potsdam Road and Emerick Road, and is approximately 0.5 miles in length.

Quarry Reroute: This change moves the proposed line from the south and east sides of the quarry approximately 1,400 feet to the west and north sides. Additionally, the line is proposed to be moved approximately 50 feet to the opposite side of Davis Road between Markley Road and the southwestern end of the quarry and is approximately 1.25 miles in length.

Forrest Hill Road Reroute: This change moves the proposed line out of an agricultural field and will parallel the south side of Horseshoe Bend Road for approximately 2,700 feet and traverse a mile along the west side of Forrest Hill Road. The proposed change rejoins the original preferred route at the intersection of Forrest Hill Road and Fenner Road and is approximately 1.22 miles in length.

Eldean Road Reroute: This change moves the proposed line out of the middle of an agricultural field to the property line due east of the current location. The line would run parallel to the north side of Eldean Road for approximately 1,300 feet and follow the property line to where it meets up again with the current route for approximately 2,300 feet. The total adjustment is approximately 0.7 miles in length.

## **Nature of Impacts**

### *Social Impacts*

Staff finds that the proposed adjustments are not expected to significantly alter existing land uses, including agricultural and residential land. The adjustments are proposed as a result of right-of-way negotiations with landowners. With the proposed adjustments, 16 additional residential structures would be located within 200 feet of the right-of-way.

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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.

The project has previously been studied for the presence of archaeological resources and historic impacts and no significant adverse impacts on cultural resources are expected. The State Historic Preservation Office concurs that the project would not be expected to impact cultural resources. Staff agrees with this conclusion.

#### *Surface Waters*

The proposed adjustments would not result in any new stream crossings. Total linear feet of stream within the right-of-way would decrease from 453 to 320 linear feet.

No new wetlands would be crossed by the proposed route. The total acreage of wetlands within the right-of-way would remain approximately the same. All delineated wetlands are category 1 and category 2 wetlands.<sup>2</sup>

Adherence to the conditions of the original certificate as well as implementation of the storm water pollution prevention plan would minimize impacts to surface water resources that could occur as a result of the proposed adjustments.

#### *Threatened and Endangered Species*

The proposed adjustments would not result in increased impacts to listed wildlife species. Adherence to the conditions of the original certificate would minimize impacts to listed species.

### **Conclusion**

Staff recommends approval of this amendment provided the following conditions are satisfied. Staff notes that its recommendation for approval of this amendment should not be construed as a recommendation for approval of cost recovery in any rate making proceeding.

### **Conditions**

- (1) The Applicant shall continue to adhere to all conditions of the Opinion, Order and Certificate for the West Milton-Eldean 138 kilovolt project in Case No. 18-1259-EL-BTX, following the route as amended through this application.
- (2) 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.
- (3) 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.

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2. 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.

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**1/5/2022 4:04:37 PM**

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**Case No(s). 21-0897-EL-BTA**

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