

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Construction Notice Application of )**  
**American Transmission Systems, Inc. for the )**  
**Knox-Nottingham 138 kV Transmission Line Rebuild – ) Case No. 21-0667-EL-BNR**  
**Knox Washington Segment )**

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 January 28, 2022, 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 January 28, 2022, which is the recommended automatic approval date.

Sincerely,



Theresa White  
Executive Director  
Ohio Power Siting Board

## OPSB STAFF REPORT OF INVESTIGATION

**Case Number:** 21-0667-EL-BLN  
**Project Name:** Knox-Nottingham 138 kV Transmission Line Rebuild –  
Knox Washington Segment  
**Project Location:** Columbiana and Carroll counties  
**Applicant:** American Transmission Systems, Inc.  
**Application Filing Date:** October 29, 2021  
**Filing Type:** Letter of Notification  
**Inspection Date:** December 13, 2021  
**Report Date:** January 21, 2022  
**Recommended Automatic  
Approval Date:** January 28, 2022  
**Staff Assigned:** G. Zeto, 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

American Transmission Systems, Incorporated (Applicant) proposes to rebuild the approximately 13.2 mile Knox to Washington segment of the approximately 44-mile Knox Nottingham 138 kilovolt (kV) Transmission Line. The Knox-Washington Segment extends from the Knox Substation in Columbiana County to the point of interconnection with Carroll Electric Cooperative located on the Knox-Nottingham 138 kV Transmission Line in Carroll County. The project consists of replacing the conductor and the existing wood pole H-frame structures with a combination of steel structures on concrete foundations or direct embed steel structures. The project would be located within existing right-of-way along the existing centerline. Construction of the project is planned to begin in August 2022 with an anticipated in-service date of May 2023.

The Applicant states the project is needed because it is spending increased time and cost to maintain the existing line. Transmission line inspections in April 2020 revealed that 63 of 91 structures (approximately 70 percent) were found to be unsafe, unreliable, or non-compliant with current code.<sup>1</sup> Fifty-seven of the structure failures are attributed to woodpeckers with the remaining failures from decay and failed sound tests. By replacing the wood poles with steel, woodpecker damage would be eliminated and would reduce future maintenance and unplanned outages. In addition to pole replacements, the Applicant plans to upgrade the conductor to its current standard for 138 kV transmission lines, 795 kcmil 26/7 Aluminum Conductor Steel

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1. 2017 National Electrical Safety Code (C2-2017), Table 261-1, Note 2.

Reinforced. The upgraded conductor would improve reliability and performance and support future load growth.

This project's need and solution were presented and reviewed with PJM Interconnection, LLC (PJM) stakeholders at the "Subregional RTEP Committee – Western" meeting on September 28, 2018, and September 11, 2020.<sup>2</sup> 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 s2389, whereby the project status can be tracked on PJM's website.<sup>3</sup> The project was included in the Applicant's 2021 Long Term Forecast Report to the Public Utilities Commission of Ohio, filed in Case No. 21-0504-EL-FOR.<sup>4</sup> The capital and total costs of the proposed transmission line projects are estimated to be \$30,250,000.<sup>5</sup>

## **Nature of Impacts**

### *Land Use*

This project would be located in West Township in Columbiana County, and Augusta and Washington Townships in Carroll County. The primary land uses within the project area are agricultural, mining, and rural residential. Disruptions to land uses are minimized by the project, versus the maintenance alternative, which would necessitate multiple visits rather than one period of construction.

The project would cross over 14 Agricultural District Land parcels of 105 total parcels impacted. All of these Agricultural District Land parcels have existing utility easements. This project will not create any major new permanent impacts to agricultural land, as an existing transmission line is currently sited in the location for replacement with the new project. This project also decreases future impacts to agricultural land by eliminating the need for intermittent repairs to the wood structures along the line which would cause more instances of disruption versus a single construction project.

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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.

PJM Interconnection, "Subregional RTEP Committee - Western," September 28, 2018, ATSI Supplemental Projects, <https://pjm.com/-/media/committees-groups/committees/srtep-w/20180928/20180928-reliability-analysis-update.ashx> (Accessed December 22, 2021).

PJM Interconnection, "Subregional RTEP Committee - Western," September 11, 2020, ATSI Supplemental Projects, <https://pjm.com/-/media/committees-groups/committees/srtep-w/2020/20200911/20200911-item-06-atsi-supplemental-projects.ashx> (Accessed December 22, 2021).

3. PJM Interconnection, "Transmission Construction Status," <https://pjm.com/planning/project-construction.aspx>. (Accessed December 22, 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>.

4. American Transmission Systems, Inc., "Long-Term Forecast Report to the Public Utilities Commission of Ohio," Public Utilities Commission of Ohio Case No. 21-1501-EL-FOR, April 15, 2021.

5. Applicant indicates that, \$30,250,000, would be included in the Applicant's formula rate (Attachment H-21 to the PJM Open Access Transmission Tariff) and would be assessed on all transmission customers within the ATSI Transmission 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 project. The consultant found two resources that would necessitate a 50-foot construction fencing buffer for avoidance of these resources. The consultant determined that the project would not permanently 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 for the project. Staff agrees with these findings.

### *Surface Waters*

The survey area contains 28 streams, including eight ephemeral streams, three intermittent streams, and 17 perennial streams. Access across streams would either be avoided or bridged above the ordinary high-water mark to avoid impacts and no in-stream work is proposed for the project.

The survey area contains 22 wetlands.<sup>6</sup> All delineated wetlands are category 1 and category 2 wetlands. Structure replacement is proposed within one Category 1 wetland (wetland BS-1). Impacts would be less than 0.5 acres and would be covered under either the US Army Corps of Engineers (USACE) Nationwide 12 Permit or the Ohio EPA's General Permit for Filling an Isolated Wetland, depending on a final jurisdictional determination to be made by the USACE.

The Applicant would obtain coverage under the Ohio EPA General National Pollutant Discharge Elimination System (NPDES) permit. Sedimentation which may occur as a result of construction activities would be minimized through best management practices (BMP) such as silt fences. BMPs would be outlined in the Applicant's Stormwater Pollution Prevention Plan, which is required as part of the NPDES permit. Structure replacement is proposed within 100-year floodplain areas.<sup>7</sup> The Applicant would coordinate with the appropriate local floodplain administrators, including Columbiana and Carroll counties.

### *Listed Species<sup>8</sup>*

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

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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. A floodplain area is any land area susceptible to being inundated by water from any source. See, 44 CFR 59.1. FEMA designates flood zones into moderate to low risk areas or high risk areas (i.e. 100-year floodplain areas). See, e.g. [https://efotg.sc.egov.usda.gov/references/public/NM/FEMA\\_FLD\\_HAZ\\_guide.pdf](https://efotg.sc.egov.usda.gov/references/public/NM/FEMA_FLD_HAZ_guide.pdf). Pursuant to the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), states or local communities, as a condition of federal financial assistance via participation in the flood insurance program, must adopt adequate floodplain regulations ordinances. (See also, 44 CFR 59.2.).

8. Based on agency coordination with the USFWS and ODNR, identified listed species of concern are generally defined as including 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 RC Title XV (§ 1518.01-1518.99; 1531.25, 1531.99, etc.).

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*,

(*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 listed bat species, the Ohio Department of Natural Resources 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. Construction of the project is not expected to impact any bat hibernacula.

The project area is within the range of state endangered upland sandpiper (*Bartramia longicauda*). This species nests in dry grasslands including native grasslands, seeded grasslands, grazed and ungrazed pasture, hayfields, and grasslands established through the Conservation Reserve Program. In order to avoid impacts to this species, Staff recommends that construction in areas of potential nesting habitat be avoided during the species' nesting period of April 15 through July 31, unless coordination with the Ohio Department of Natural Resources (ODNR) allows a different course of action.

The project is within the range of the state endangered northern harrier (*Circus cyaneus*). Nesting northern harriers use large marshes and grasslands. In order to avoid impacts to this species, Staff recommends that construction in areas of potential habitat be avoided during the species' nesting period of May 15 through August 1, unless coordination with the ODNR allows a different course of action.

The project area is within the range of state endangered American bittern (*Botaurus lentiginosus*). This species nests in large undisturbed wetlands that have scattered small pools amongst dense vegetation, and occasionally in bogs, large wet meadows, and dense shrubby swamps. In order to avoid impacts to this species, Staff recommends that construction in areas of potential habitat be avoided during the species' nesting period of May 1 through July 31, unless coordination with the ODNR allows a different course of action.

The project area is within the range of state threatened least bittern (*Ixobrychus exilis*). This species nests in dense emergent wetlands with thick stands of cattails, sedges, sawgrass or other semiaquatic vegetation interspersed with woody vegetation and open water. In order to avoid impacts to this species, Staff recommends that construction in areas of potential habitat be avoided during the species' nesting period of May 1 through July 31, unless coordination with the ODNR allows a different course of action.

Impacts to other state and federal listed species are not anticipated, due to no proposed in-water work and a lack of suitable habitats.

### **Recommended Findings**

Staff's review of the application included consideration of the requirements listed in Ohio Revised Code Section 4906.10. Based on Staff's review, the application meets the necessary criteria for

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<https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/safety-conservation/about-ODNR/wildlife/state-listed-species>). 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 it becoming endangered."

granting a certificate. Staff recommends automatic approval of this application on January 28, 2022, subject to the conditions below. 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) Prior to commencement of construction, the Applicant shall obtain any floodplain permit required for construction of this project. The Applicant shall provide copies of permits and authorizations, including all supporting documentation, or a copy of correspondence with the floodplain administrator showing that no permit is required, on the case docket prior to commencement of construction.
- (4) The Applicant shall adhere to seasonal cutting dates of October 1 through March 31 for removal of any trees greater than or equal to 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.
- (5) Construction in upland sandpiper preferred nesting habitat types shall be avoided during the species' nesting period of April 15 through July 31, unless coordination by the Applicant with the ODNR allows a different course of action during that period. If coordination with ODNR allows clearing between April and August 1, the Applicant shall file proof of such coordination on the docket. Absent coordination with the ODNR that allows a different course of action, mapping of these habitat areas shall be provided to the construction contractor along with instructions to avoid these areas during the restricted dates.
- (6) Construction in northern harrier preferred nesting habitat types shall be avoided during the species' nesting period of May 15 through August 1, unless coordination by the Applicant with the ODNR allows a different course of action during that period. If coordination with ODNR allows clearing between May 15 and August 1, the Applicant shall file proof of such coordination on the docket. Absent coordination with the ODNR that allows a different course of action, mapping of these habitat areas shall be provided to the construction contractor along with instructions to avoid these areas during the restricted dates.
- (7) Construction in American bittern preferred nesting habitat types shall be avoided during the species' nesting period of May 1 through July 31, unless coordination by the Applicant

with the ODNR allows a different course of action during that period. If coordination with ODNR allows clearing between May 1 and July 31, the Applicant shall file proof of such coordination on the docket. Absent coordination with the ODNR that allows a different course of action, mapping of these habitat areas shall be provided to the construction contractor along with instructions to avoid these areas during the restricted dates.

- (8) Construction in least bittern preferred nesting habitat types shall be avoided during the species' nesting period of May 1 through July 31, unless coordination by the Applicant with the ODNR allows a different course of action during that period. If coordination with ODNR allows clearing between May 1 and July 31, the Applicant shall file proof of such coordination on the docket. Absent coordination with the ODNR that allows a different course of action, mapping of these habitat areas shall be provided to the construction contractor along with instructions to avoid these areas during the restricted dates.

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