

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 Cannelville –)
Guernsey – Muskingum Co-Op 138-kV Line Rebuild) Case No. 21-1113-EL-BNR
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 February 18, 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 February 18, 2022, which is the recommended automatic approval date.

Sincerely,



Theresa White
Executive Director
Ohio Power Siting Board

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 21-1113-EL-BNR
Project Name: Cannelville-Guernsey-Muskingum 138 kV Line Rebuild Project
Project Location: Muskingum County
Applicant: AEP Ohio Power Company, Inc.
Application Filing Date: November 22, 2021
Filing Type: Construction Notice
Inspection Date: December 27, 2021
Report Date: February 11, 2022
Recommended Automatic Approval Date: February 18, 2021
Applicant's Waiver Requests: None
Staff Assigned: T. Crawford, A. DeLong, M. Bellamy, A. Renick

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 and relocate a section of the existing Cannelville–Guernsey-Muskingum Co-Op 138 kilovolt (kV) transmission line of approximately 250 feet in length. The existing conductor (336.3 kcmil 30/7 ACSR) would be replaced with a greater capacity conductor (795 kcmil 26/7 ACSR). The project also proposes to replace two wood monopoles with steel monopoles, just south of the Cannelville Switch. The project would be located in Muskingum County on property owned by the Guernsey-Muskingum Electrical Co-Op; no additional property easements would be necessary for construction of the project or operation of the transmission line. This project is associated with the Crooksville-Philo 138 kV transmission line rebuild, which is OPSB Case No. 21-1112-EL-BLN.

Applicant notes that the project is associated with the rebuild of the Crooksville-Philo 138 kV transmission line which is necessary to replace aging conductors originally installed in 1925. The rebuild and relocation of the Cannelville – Guernsey-Muskingum Co-Op 138 kV line is also needed to accompany the replacement and relocation of the existing Cannelville Switch with a phase-over-phase 138 kV Switch. These rebuilds and replacement would reduce risk of outages due to the aging line asset, and would improve reliability of service to the customers in the area.

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 February 21, 2020 and March 19, 2020, respectively. The project was assigned the supplemental ID s2223.2² The project is part of an overall supplemental project to rebuild approximately 12.6 miles of the Crooksville-Philo 138 kV circuit. 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 project was included in a supplement to the Applicant's 2021 Long-Term Forecast Report, PUCO Form FE-T9, page 84, which may be accessed through the Ohio Public Utilities Commission Docketing Information System website and entering 21-1501 in the 'Case Lookup' (LTFR).⁴

The Applicant anticipates construction to begin during March 2022 with an in-service date planned for September 2023. The capital cost of the extension project, comprised of applicable tangible and capital costs, is estimated to be \$406,000.⁵

Nature of Impacts

Land Use

This project would be located in Brush Creek Township in Muskingum County. The primary land uses in the project area include transmission line right-of-way, wooded hills, and nondescript fields. There are two nearby residences, the closest of which is 360 feet from the project area. There are no known recreational areas within 1,000 feet of the project area. The Applicant plans for 0.1 acres of tree clearing within the existing right-of-way.

The Applicant verified with the Muskingum County Auditor's office in October 2021 that the project would not cross over any Agricultural District Land parcels, nor does it cross any active agricultural land. No impacts to agricultural land uses outside of the right-of-way are expected.

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 identified no previously identified archaeological sites within the project area. The consultant identified two new archaeological sites within the project area. The consultant recommended that the two new archaeological sites are not eligible for listing in the National Register of Historic Places. One historic resource was identified as listed in the National

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/srrtep-w/postings/aep-local-plan-submission-of-the-supplemental-projects-for-2020-rtep.ashx> (Accessed December 23, 2021).

3. PJM Manual 14B: PJM Region Transmission Planning Process, Revision 50, Effective Date: July 1, 2021.

4. <https://dis.puc.state.oh.us> (Accessed December 23, 2021).

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 to the PJM OATT), and would be allocated to the AEP Zone.

Register of Historic Places. However, the consultant concluded the project should not adversely impact or affect the eligibility of the historic resource. 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 archaeological or historic properties, and that no additional cultural resources studies are needed. Staff agrees with these findings.

*Surface Waters*⁶

The Applicant's consultant conducted a stream and wetland delineation within the study area in May of 2020 and September of 2021.⁷ The consultant identified two perennial streams and two palustrine emergent (PEM) wetlands. The Applicant does not currently propose any temporary or permanent impacts to these surface waters.

This project does not cross any FEMA 100-year floodplains.

The Applicant has stated that the boundaries of streams and wetlands within and immediately adjacent to the construction limits of disturbance would be demarcated by silt/exclusionary fencing to clearly indicate avoidance areas. Further specifics about how surface waters would be protected from indirect construction stormwater impacts would be outlined in the Applicant's Stormwater Pollution Prevention Plan. The Applicant would file a Notice of Intent (NOI) with the Ohio EPA for authorization of construction storm water discharge under General Permit OHC000005.

*Threatened and Endangered Species*⁸

The Applicant submitted coordination letters to the Ohio Department of Natural Resources (ODNR) and the U.S. Fish and Wildlife Service (USFWS) on July 9, 2020. This project is within

6. 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, 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>).

7. 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.

8. 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; 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

range of the state and federal endangered Indiana bat (*Myotis sodalis*), state endangered and federal threatened northern long-eared bat (*Myotis septentrionalis*), state endangered little brown bat (*Myotis lucifugus*), and the state endangered tricolored bat (*Perimyotis subflavus*). Both agencies recommended that proposed tree clearing occur only between October 1 and March 31 to avoid potential impacts to roosting bats. The Applicant has committed to clearing trees within this time frame as well as coordinating further with the ODNR and USFWS should tree clearing outside of this time frame become necessary. Additionally, the Applicant's consultant did not identify any potential bat hibernacula during the field survey; the Applicant is coordinating further with the ODNR to determine any next steps, if necessary.

The project is also within range of several other state and federal listed species, including eleven mussel species, six fish species, two amphibious species, and four bird species. Impacts to these species are not anticipated due to lack of proposed in-water work and lack of impact to suitable habitat.

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 February 18, 2022 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 ODNR, and the USFWS 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.
- (4) The Applicant shall submit final acreage and extent of tree clearing to Staff, the ODNR, and the USFWS for review prior to the start of construction.

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/odnr/discover-and-learn/safety-conservation/about-ODNR/wildlife/stste-listed-species>).

- (5) The Applicant shall adhere to seasonal tree 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 allow 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.

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

2/11/2022 2:49:12 PM

in

Case No(s). 21-1113-EL-BNR

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