

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Letter of Notification Application
of AEP Ohio Transmission Company, Inc. for the
Crooksville-North Newark 138 kV Transmission Line
Rebuild Project**

)
) **Case No. 21-1206-EL-BLN**
)

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 March 3, 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 March 3, 2022, which is the recommended automatic approval date.

Sincerely,



Theresa White
Executive Director
Ohio Power Siting Board

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 21-1206-EL-BLN
Project Name: Crooksville-North Newark 138 kV Transmission Line Rebuild Project
Project Location: Licking, Perry, and Muskingum County
Applicant: AEP Ohio Transmission Company, Inc.
Application Filing Date: December 2, 2021
Filing Type: Letter of Notification
Inspection Date: December 29, 2021
Report Date: February 24, 2022
Recommended Automatic Approval Date: March 3, 2022
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 Transmission Company, Inc (Applicant) proposes to rebuild approximately 23.3 miles of the Crooksville-North Newark 138 kilovolt (kV) transmission line from the Newark Center Station to the Crooksville Station. The mostly wood H-frame existing structures would be replaced with steel H-frame structures, mostly single circuit. Approximately 162 structures would be replaced. The majority of the rebuild would take place within the existing right-of-way with minimal construction outside the right-of-way while keeping work within easement rights. The existing transmission line conductor of 266.8 kcmil 26/7 would be replaced with the larger, higher capacity conductor, 795 kcmil 26/7 ACSR.¹

The Applicant states that the electrical load served by the Crooksville-North Newark line has increased considerably since the installation of the original conductor in 1951. The project is needed to serve the expected load growth, reduce outages, and maintain reliability and performance of service of the line, all of which would be threatened by the deteriorating conditions of the aging wood poles. The Applicant reports 338 open conditions along the 23.3-mile section

1. The Applicant had previously submitted the rebuilding of 8.3 miles of the transmission line between North Newark and Newark Center under the Ohio Power Siting Board Case No. 21-0852-EL-BLN and it was approved on December 9, 2021.

of line associated with the wood structures, including pole rot, insect damage, filler block decay, broken and mission ground wires and guy wires, and instances of damaged conductor.

Upgrades to the transmission system are part of PJM Interconnection, LLC's (PJM) Regional Transmission Expansion Planning (RTEP) process.² The need and solution for this project were presented and reviewed with stakeholders at the PJM Subregional RTEP Western meetings of June 17, 2019 and December 18, 2019, respectively. The project was assigned the supplemental ID s2160.³ 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).⁴

The proposed project was included in the Applicant's 2021 Long-Term Forecast Report to the Public Utilities Commission of Ohio.⁵

The Applicant expects construction of the project to begin March 2022 with an in-service date planned for December 2023. The capital cost of the rebuild project is estimated to be approximately \$38,400,000.⁶

Nature of Impacts

Land Use

The project would be located in Clayton, Harrison, Hopewell, Madison townships and the City of Crooksville in Perry County, Newton Township in Muskingum County, and Bowling Green and Franklin Townships in Licking County. The primary land use surrounding the project area is agricultural, and to a lesser extent, wooded areas, fields, and residences. The Applicant states the project would cross over multiple railroads, state and local roads, and interstate I-70, along with one mining area which will occur within existing company right-of-way.

The Applicant states that data provided by the Licking, Perry, and Muskingum County Auditors' offices in November 2021 showed that 17.6 acres in a total of 10 parcels within the existing right-of-way for this project are registered as Agricultural District Land parcels. In this rebuild of an existing transmission line, the Applicant states a minimal amount of land will be converted from agricultural land use for the footprint of the pole locations.

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. From the literature survey, the consultant identified no previously identified

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. <https://www.pjm.com/-/media/committees-groups/committees/srrtep-w/postings/aep-local-plan-submission-of-the-supplemental-projects-for-2020-rtep.ashx> (Accessed January 31, 2022)

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

5. AEP Ohio Power Company, Inc. "Long-Term Electric Forecast Report", Public Utilities Commission of Ohio Case No. 21-1501-EL-FOR, April 14, 2021, Form FE-T9, page 78.

6. The Applicant indicates that the cost of the rebuild 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-20), and would be allocated to the AEP Zone.

archaeological sites within the project area. During the Phase I survey, 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 (NRHP). One historic resource was identified as listed in the NRHP. 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*⁷

The Applicant's consultant conducted a wetland and stream delineation survey in the project area which identified 97 wetlands, 93 streams, and 12 ponds.⁸ The Applicant does not currently propose any permanent impacts to surface water. One existing structure is currently located in a wetland; this structure will be replaced in the same wetland in approximately the same location. Minimal temporary impacts to wetlands are anticipated from timber matting associated with work pads and access roads.

This project crosses 10 FEMA 100-year floodplains in Licking, Perry, and Muskingum counties. The Applicant would coordinate with these counties for impacts within these floodplains and obtain floodplain permits where necessary.

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 with the Ohio EPA for authorization of construction storm water discharge under General Permit OHC000005.

7. 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 the 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>).

8. 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.

*Threatened and Endangered Species*⁹

The Applicant's consultant received environmental review of the project from the Ohio Department of Natural Resources (ODNR) and the U.S. Fish and Wildlife Service (USFWS) on November 20, 2019 and December 11, 2020, respectively. This project is within range of the state and federal endangered Indiana bat (*Myotis sodalis*) and the state endangered and federal threatened northern long-eared bat (*Myotis septentrionalis*). Staff is aware that the entire state of Ohio is within range of two additional state endangered bat species which were listed after the Applicant received ODNR correspondence: the little brown bat (*Myotis lucifugus*) and the tricolored bat (*Perimyotis subflavus*). The ODNR and USFWS recommend that trees be cleared between October 1 and March 31 to avoid potential impacts to roosting bats. The Applicant has committed to this seasonal tree clearing restriction, as well as coordinating further with both agencies should trees need to be cleared outside of this time. Additionally, the Applicant conducted a desktop review for potential bat hibernacula within or near the project area. No potential hibernacula were identified.

The project is within range of the state endangered northern harrier, which hunts over grasslands. The ODNR recommends that construction be avoided in this habitat type between May 15 and August 1 to avoid potential impacts to nesting birds. The Applicant has committed to this seasonal construction restriction, as well as coordinating further with the ODNR should construction in grasslands become necessary outside of this time frame.

The project is also within range of several other state and federal listed species, including eleven mussels, four fish, and two amphibians. Impacts to these species are not anticipated due to 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 March 3, 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.

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

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 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 Ohio Department of Natural Resources and the U.S. Fish and Wildlife Service 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.
- (5) The Applicant shall coordinate with the ODNR and the USFWS prior to the start of construction should final site plans necessitate tree clearing.
- (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) Should construction be delayed beyond five years of the date of the certificate, certain wildlife surveys may be required to be updated as determined by Staff and the ODNR.

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Commission of Ohio Docketing Information System on**

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Case No(s). 21-1206-EL-BLN

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