

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Construction Notice Application by )**  
**American Transmission Systems, Incorporated for a )**  
**Certificate of Environmental Compatibility and Public ) Case No. 21-1178-EL-BNR**  
**Need for the Greenfield-Lakeview 138 kV Transmission )**  
**Line Reconductor Project )**

Members of the Board:

Chairman, Public Utilities Commission	Ohio House of Representatives
Director, Development Services Agency	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 4906-6.

Staff recommends the application for automatic approval on March 11, 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 11, 2022, which is the recommended automatic approval date.

Sincerely,



Theresa White  
Executive Director  
Ohio Power Siting Board



## OPSB STAFF REPORT OF INVESTIGATION

**Case Number:** 21-1178-EL-BNR  
**Project Name:** Greenfield-Lakeview 138 kV Transmission Line Reconductor Project  
**Project Location:** Erie and Ottawa counties  
**Applicant:** American Transmission Systems, Incorporated  
**Application Filing Date:** December 10, 2021  
**Filing Type:** Construction Notice  
**Inspection Date:** February 14, 2022  
**Report Date:** March 4, 2022  
**Recommended Automatic Approval Date:** March 11, 2022  
**Applicant's Waiver Requests:** none  
**Staff Assigned:** J. O'Dell, J. Cross and A. Holderbaum

### 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 or ATSI) plans to reconductor two sections of the existing Greenfield-Lakeview 138 kV Transmission Line. The first section is approximately 1.2 miles in length. This section also requires the replacement of seven wood structures. The replacement structures would be installed in relatively the same locations as the original poles. The second section is approximately 620 feet in length.

Upgrades to the transmission system are part of PJM Interconnection, LLC's (PJM) Regional Transmission Expansion Planning (RTEP) process.<sup>1</sup> Staff verified the need for this project through consultation of PJM's baseline projects. Baseline projects include projects planned for reliability, operational performance, FERC Form No. 715 criteria, economic planning, and public policy planning (State Agreement Approach).<sup>2</sup>

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1. PJM Interconnection, LLC 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. PJM Manual 14B: PJM Region Transmission Planning Process.



This project's need was presented and reviewed with PJM stakeholders at the "Subregional RTEP Committee – Western" meeting on August 31, 2018.<sup>3</sup> The project was issued baseline PJM upgrade ID b3034, whereby the project status can be tracked on PJM's website.<sup>4</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>5</sup>

The Applicant states that an N-1-1 contingency of the Davis Besse-X1-027A and the Beaver-Hayes 345 kV transmission lines would result in a thermal violation of the Greenfield-Lakeview 138 kV Transmission Line.<sup>6</sup> The Greenfield-Lakeview 138 kV Transmission Line is integral in transferring power to Cleveland from generation in western Ohio. The Applicant states the proposed project would eliminate the identified N-1-1 thermal violation.

The capital and total costs of the proposed transmission line projects are estimated to be \$2,696,000.<sup>7</sup>

## **Nature of Impacts**

### *Land Use*

The project spans Ottawa and Erie counties, near Lake Erie. The primary surrounding land uses are agricultural and low density rural residential uses. New easements are not required. The project is not expected to have any significant impact on agricultural land or districts.

### *Cultural Resources*

ATSI conducted a cultural resource survey to ascertain potential impacts to historic properties and archaeological sites. The Applicant's survey determined that adverse impacts to historic properties and archaeological sites are not expected. Staff has examined and concurs with the Applicant's survey results.

### *Surface Waters<sup>8</sup>*

Wetland and stream delineation field surveys were completed within the project area by the Applicant's consultant. Twelve Category 1 wetlands and three Category 2 wetlands were identified

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3. PJM Interconnection, "Subregional RTEP Committee - Western," August 31, 2018, ATSI Transmission Zone: Baseline, <https://pjm.com/-/media/committees-groups/committees/srrtep-w/20180831/20180831-reliability-analysis-update.ashx> (Accessed January 19, 2022).

4. PJM Interconnection, "Transmission Construction Status," <https://pjm.com/planning/project-construction.aspx>. (Accessed January 19, 2022).

5. American Transmission Systems, Inc., "Long-Term Forecast Report to the Public Utilities Commission of Ohio," Public Utilities Commission of Ohio Case No. 21-1504-EL-FOR, April 15, 2021.

6. "N-1-1 contingencies are the consecutive loss of two Elements where redispatch is allowed between events." See 2016 NERC Reliability Guideline Reactive Power Planning, December 2016, available at: [https://www.nerc.com/comm/PC\\_Reliability\\_Guidelines\\_DL/Reliability%20Guideline%20-%20Reactive%20Power%20Planning.pdf](https://www.nerc.com/comm/PC_Reliability_Guidelines_DL/Reliability%20Guideline%20-%20Reactive%20Power%20Planning.pdf), fn53.

7. Applicant indicates that, \$2,696,000, 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.

8. The Ohio Environmental Protection Agency (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 that 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



within the project area. Three wetlands would be crossed during construction, no permanent fill material would be placed in wetlands.

Three perennial streams were identified within the project area.<sup>9</sup> All streams will be avoided.

The Applicant would obtain a Notice of Intent with the Ohio EPA for authorization of construction storm water discharge under NPDES General Permit for Discharges of Storm Water Associated with Construction Activity OHC000005. As a requirement of that permit coverage, the Applicant would implement and maintain best management practices as outlined in the project-specific Storm Water Pollution Prevention Plan to minimize erosion and sediment to protect surface waters during storm events. Portions of the project area would cross a 100-year floodplain. Staff recommends that the Applicant obtain any applicable floodplain development permit prior to construction.

#### *Threatened and Endangered Species*<sup>10</sup>

The project area is within the range of the state and federal endangered Indiana bat (*Myotis sodalis*), the state endangered and federal threatened northern long-eared bat (*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. To avoid impacts to these listed bat species, the ODNR 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

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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.usaec.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. 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.

10. 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>).



Applicant states minimal tree clearing would be required for this project and committed to conducting all tree clearing during the seasonal cutting dates of October 1 through March 31.

During the winter months, bats hibernate in caves and abandoned mines, also known as hibernacula. The Applicant conducted a desktop habitat assessment to determine if potential hibernacula are present within the project area. No potential hibernacula were found within the project area. The ODNR provided a letter of concurrence on this assessment on November 22, 2021.

Potential habitat is present in the project area for the state threatened black-crowned night-heron (*Nycticorax nycticorax*). The Applicant has committed to avoiding construction in this species habitat during the species' nesting period of May 1 to July 31 as recommended by the ODNR.

Potential habitat is present in the project area for the state threatened least bittern (*Ixobrychus exilis*). The Applicant has committed to avoiding construction in this species habitat during the species' nesting period of May 1 to July 31 as recommended by the ODNR.

Potential habitat is present in the project area for the state endangered upland sandpiper (*Bartramia longicauda*). The Applicant has committed to avoiding construction in this species habitat during the species' nesting period of April 15 to July 31 as recommended by the ODNR.

This project is also within range of several state threatened and endangered species. Impacts to these species are not anticipated due to lack of proposed in-water work, the type of habitat within the project area, and the type of work proposed.

## **Conclusion**

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 granting a certificate. Staff recommends automatic approval of this application on March 11, 2022. 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 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.

- (4) Construction in upland sandpiper preferred nesting habitat types shall be avoided during the species' nesting period of April 15 through July 31. Mapping of these habitat areas shall be provided to the construction contractor along with instructions to avoid these areas during the restricted dates.
- (5) Construction in least bittern preferred nesting habitat types shall be avoided during the species' nesting period of May 1 through July 31. 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 black-crowned night-heron preferred nesting habitat types shall be avoided during the species' nesting period of May 1 through July 31. Mapping of these habitat areas shall be provided to the construction contractor along with instructions to avoid these areas during the restricted dates.
- (7) Prior to construction, the Applicant shall file a copy of any floodplain permit required for construction of this project, or a copy of correspondence with the floodplain administrator showing that no permit is required.



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

**Case No(s). 21-1178-EL-BNR**

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