

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) **Case No. 22-0254-EL-BLN**
Cyprus-Parsons 138 kV Transmission Line 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 July 7, 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 July 7, 2022, which is the recommended automatic approval date.

Sincerely,



Theresa White
Executive Director
Ohio Power Siting Board

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 22-0254-EL-BLN
Project Name: Cyprus-Parsons 138 kV Transmission Line Project
Project Location: Franklin County
Applicant: AEP Ohio Transmission Company, Inc.
Application Filing Date: April 7, 2022
Filing Type: Letter of Notification
Inspection Date: June 28, 2022
Report Date: June 30, 2022
Recommended Automatic Approval Date: July 7, 2022
Applicant's Waiver Requests: None
Staff Assigned: A. Holderbaum, T. Crawford

Summary of Staff Recommendations (see discussion below):

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

Project Description and Need

The AEP Ohio Transmission Company, Inc. (Applicant) proposes the construction of an approximately 1,600-foot long double circuit 138 kilovolt (kV) transmission line connecting the new Cyprus Station to the existing Parsons Station. The Cyprus Station is being constructed to provide service to a new customer's facility, and the application for that station was filed as Ohio Power Siting Board Case No. 21-0786-EL-BLN, and approved November 2, 2021. One circuit from each of the double-circuit line would provide service to the customer's station on the site to provide redundancy and reliability. The conductor would be 795 kcmil 26/7 ACSS, fully annealed aluminum and steel strengthened cable. Six steel poles of three different designs would be used to support the conductor.

The Applicant claims the project is needed to provide service for the customer's initial load, expected to be 100 MW, with a possible peak demand of 675 MW. The project would also allow Ohio Power Company to retire the existing and obsolete 40 kV lines presently serving the Parsons Station. It would not be feasible or cost effective to provide the needed 100 MW service to the customer's station using the existing Marion-Parsons 40 kV line.

Upgrades to the transmission system are part of the PJM Regional Transmission Planning Process (RTEP).¹ The Applicant submitted the statement of need to the PJM Subregional RTEP Committee—Western on January 15, 2021 and submitted the solution on May 21, 2021. The project was assigned the supplemental ID number s2526.² Supplemental projects or upgrades refer to transmission expansion or enhancements not needed to comply with PJM reliability, operational performance, FERC Form No. 715, economic criteria or State Agreement Approach projects.³ The project was included in the Applicant's 2021 Long-Term Forecast Report, PUCO Form FE-T9, page 21, which may be accessed through the Ohio Public Utilities Commission Docketing Information System website and entering 21-0501 in the 'Case Lookup.'⁴

The Applicant proposes to begin construction in September 2022 with an in-service date of August 2023. The estimated capital cost for the project is \$1,700,000.⁵

Nature of Impacts

Land Use

This project would be located in Hamilton Township in Franklin County. The current land use of the project area is made up of mostly agricultural land, with the existing Parsons Station and an adjacent residential neighborhood to the west. The project would not be located on any Agricultural District Land parcels.

Cultural Resources

The Applicant's cultural resources consultant performed a Phase I archeological investigation and a History/Architecture investigation for the transmission line project. No archaeological sites were identified in the project area, nor were any historic properties listed or eligible for listing on the National Register of Historic Places identified within the project area. The findings were submitted to the Ohio Historic Preservation Office (OHPO). The OHPO responded to the consultant in concurrence on April 11, 2022, that this project would not affect historic properties, and that no additional cultural resources studies are needed for the project. Staff agrees that no further cultural resource management work is necessary.

*Surface Waters*⁶

No wetlands or streams are present within the project area. No impacts to surface waters would occur.

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/teac/2021/20211102/20211102-teac-info-only-aep-local-plan-submission-of-the-supplemental-projects-for-2021-rtep.ashx> (Accessed April 29, 2022).

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

4. <https://dis.puc.state.oh.us/> (Accessed April 29, 2022).

5. Applicant indicates that the projected costs, approximately \$1,700,000 composed of applicable tangible and capital costs were obtained using a Class 4 estimate. The costs will be recovered in the Applicant's FERC Formula Rate (i.e. the annual transmission revenue applicable under PJM Open Access Transmission Tariff, Attachment H-20), and would be assessed on all users of the AEP Zone.

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

The Applicant would file 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. The Applicant would implement and maintain best management practices as outlined in the project-specific Stormwater Pollution Prevention Plan (SWPPP) to minimize erosion and sediment to project surface waters during storm events.

This project does not overlap with any FEMA 100-year floodplains.

*Threatened and Endangered Species*⁷

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. Confirmed records for the little brown bat exist within the project area. In order to avoid impacts to these listed bat species, the Ohio Department of Natural Resources (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 Applicant states tree clearing would not be required for this project. During the winter months, bats hibernate in caves and abandoned mines, also known as hibernacula. The Applicant states there are no winter hibernacula located within 0.50 mile of the project.

division issues permits to regulate wastewater treatment plants, factories and storm water runoff; develops comprehensive watershed plans aimed at improving polluted streams; and samples 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. Based on agency coordination with the USFWS and the 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/gov/odnr/discover-and-learn/safety-conservation/about-ODNR/wildlife/state-listed-species>).

The project is within the range of the state endangered lark sparrow (*Chondestes grammacus*), the state endangered northern harrier (*Circus hudsonis*), the state endangered least bittern (*Ixobrychus exilis*), the state endangered American bittern (*Botaurus lentiginosus*), the state endangered upland sandpiper (*Bartramia longicauda*), the state threatened sandhill crane (*Grus canadensis*), the state threatened black-crowned night-heron (*Nycticorax nycticorax*), and several federal and state listed mussel and fish species. Due to lack of suitable habitat, no in-water work proposed, the type of work proposed, and the type of habitat within the project area, impacts to these species are not anticipated.

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 July 7, 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, to Staff within seven days of issuance or receipt by the Applicant and shall file such permits or authorizations on the public docket. The Applicant shall provide a schedule of construction activities and acquisition of corresponding permits for each activity at the preconstruction conference(s). Any permit violation received by the Applicant shall be provided on the case docket within seven days of receipt.

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

6/30/2022 10:08:55 AM

in

Case No(s). 22-0254-EL-BLN

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