

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

In the Matter of the Letter of Notification Application)
of Ohio Power Company, Inc. for the Cosgray Station) **Case No. 22-0488-EL-BLN**
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 August 15, 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 August 15, 2022, which is the recommended automatic approval date.

Sincerely,



Theresa White
Executive Director
Ohio Power Siting Board

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 22-0488-EL-BLN
Project Name: Cosgray Station Project
Project Location: Franklin County
Applicant: Ohio Power Company
Application Filing Date: May 16, 2022
Filing Type: Letter of Notification
Inspection Date: July 11, 2022
Report Date: August 8, 2022
Recommended Automatic Approval Date: August 15, 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

Ohio Power Company, Inc. (Applicant) proposes to build the new Cosgray 345 kilovolt (kV) Substation configured using four 345 kV breakers in a ring bus configuration, allowing for future expansion. The station would receive looped service from the double-circuit Hayden-Roberts 345 kV transmission line and provide services to a new customer's facility and development in the area. The project would be located on property already owned by the customer. The Applicant will own the substation and will have access to, and responsibility for, the maintenance and operation of the substation. The construction or installation of the 345 kV connections from the Hayden-Roberts transmission line to the new station will be the subject of a separate application.

The project is needed to provide service to the new customer with an initial load of 64 megawatts (MW), eventually growing to a peak demand of 256 MW. The project will allow the customer to move forward with development plans in the region and would also benefit other customers in the AEP transmission zone via the looped service created by this through path. As the customer's load grows, it is anticipated that need will be met by expanding from the initial four circuit breakers to six circuit breakers. The Applicant has stated in a response to a data request that additional station equipment, assets, and feeds would not be needed, to meet the load growth.

It is noted that numerous construction activities, directly and not directly related to the Cosgray Station, have already been initiated at the site.¹ The Applicant states in response to a data request, that it is aware that the customer has or is performing pre-grading activities at the site, but states that it has not begun any activities, nor has it requested or authorized any such activities on its behalf.

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 to PJM on March 19, 2021 and October 15, 2021, respectively. The project was assigned the supplemental ID s2653.1 – s2653.3.³ Supplemental projects or upgrades refer to transmission expansions or enhancements not needed to comply with PJM reliability, operational performance, Federal Energy Regulatory Commission (FERC) Form No. 715 criteria, economic planning, and public policy planning (State Agreement Approach).⁴

The proposed substation was included in form FE-T9 and FE-T10 in the Applicant's 2021 Long-term Forecast Report to the Public Utilities Commission of Ohio, filed in Case No. 22-0501-EL-FOR.⁵

The Applicant expects construction of the project to begin during September 2022 with an in-service date planned for May 2023. The capital cost of the project is estimated to be approximately \$12,500,000.⁶ In response to a data request, the Applicant has described the through path as the 345 kV breakers, busbar work, and associated equipment that would form the ring bus at Cosgray Station, as well as the Hayden-Roberts 345 kV transmission line being looped into the new station to provide service to the station.

Nature of Impacts

Land Use

This project would be located in the city of Hilliard in Franklin County. The surrounding area is urban, and the primary land use is primarily single-family residences. The project would be located on land Hilliard has zoned as Planned Development. The nearest residence is approximately 200 feet from the proposed project location. There is a park to the northwest of the customer's property,

1. These activities, including grading and laying of gravel, were observed by Staff during an inspection of the site on Monday, July 11, 2022.

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/2022/aep-local-plan-submission-projects-for-2022-rtep.ashx> (Accessed May 17, 2022)

4. PJM Manual 14B: PJM Region Transmission Planning Process, Revision 51, Effective Date: December 15, 2021.

5. AEP Ohio Power Company, Inc., supplement to the "Long-Term Forecast Report", Public Utilities Commission of Ohio Case No. 22-0501-EL-FOR, April 12, 2022, pages 127, 201/227 .

6. Applicant indicates that the cost of the project is a Class 4 estimate, which is comprised of applicable tangible and capital costs, and pursuant to the PJM Open Access Transmission Tariff, the Customer will be responsible for 40 percent of the costs associated with the direct feeds to their station from the Cosgray Station in accordance with the Ohio retail tariffs. The portions of the overall project associated with the through-path, inclusive of the substation, are not reimbursable by the Customer and will be included in the Applicant's FERC formula rate (Attachment H-14), and would be allocated to the AEP Zone.

and a recreational trail to the west. The Applicant has no plans for tree clearing. This project would not affect the land use of nearby parcels.

The entirety of the project and most of the customer's property is fallow land. The Applicant verified with the Franklin County Auditor's office in May 2022 that there are no Agricultural District Land parcels on the customer's property and therefore none of the project area does either.

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 substation project. From the literature review, the consultant identified no previously identified archaeological sites within the project area. During the Phase I survey, the consultant identified four new archaeological sites within the project area. The consultant recommended that the newly identified archaeological sites are not eligible for listing in the National Register of Historic Places. Seven historic resources were identified with the area of potential effect, but the consultant recommended that the resources are not eligible for listing in the National Register of Historic Places. 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 Waters⁷

The Applicant's consultant conducted a wetland and stream delineation of the 6-acre survey area. No wetlands or streams were identified within the project area.

The Applicant would file a Notice of Intent with the Ohio Environmental Protection Agency (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 Storm Water Pollution Prevention Plan to minimize erosion and sediment to project surface waters during storm events.

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

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 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>).

*Threatened and Endangered Species*⁸

The Applicant received environmental review of the project from the U.S. Fish and Wildlife Service (USFWS) and the Ohio Department of Natural Resources (ODNR) on January 21, 2022 and January 6, 2022, respectively. This project is within range of the state and federally endangered Indiana bat (*Myotis sodalis*), state endangered and federally threatened northern long-eared bat (*Myotis septentrionalis*), state endangered little brown bat (*Myotis lucifugus*), and the state endangered tricolored bat (*Perimyotis subflavus*). No potential winter hibernacula were identified within or near the project area. The Applicant is not currently proposing any tree clearing, thus impacts to these species are not anticipated.

The project is within range of the state threatened sandhill crane (*Grus canadensis*). The Applicant's consultant identified potentially suitable stopover habitat in the project area in the form of agricultural fields. The Applicant concluded that because this habitat is located within developed area, it is unlikely to be a highly utilized migration stopover habitat for this species. The ODNR confirmed this conclusion and stated that there were no construction restrictions for this area.

The project is within range of several other state listed species. Due to lack of proposed impact to suitable habitat, 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 August 15, 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.

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 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>).

- 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. Any permit violation received by the Applicant from the permitting agency shall be provided on the case docket within seven days of receipt.
- 3) The Applicant shall contact Staff, the ODNR, and the USFWS within 24 hours if any 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.

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Case No(s). 22-0488-EL-BLN

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