

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION OF
AEP OHIO TRANSMISSION COMPANY,
INC. FOR A CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY AND
PUBLIC NEED FOR THE CONSTRUCTION
OF THE GROVES ROAD-SHANNON 138 kV
TRANSMISSION LINE PROJECT.

CASE NO. 21-199-EL-BTX

ENTRY

Entered in the Journal on August 9, 2022

{¶ 1} AEP Ohio Transmission Company, Inc. (AEP) is a person as defined in R.C. 4906.01.

{¶ 2} R.C. 4906.04 provides that no person shall construct a major utility facility in the state without first obtaining a certificate from the Ohio Power Siting Board (Board). In seeking a certificate, applicants must comply with the filing requirements outlined in R.C. 4906.06, as well as Ohio Adm.Code Chapters 4906-5 and 4906-3.

{¶ 3} On March 3, 2021, AEP filed with the Board a Motion for Waiver and memorandum in support, related to a project for which it intends to file an application for a certificate of environmental compatibility and public need to rebuild 5.4 miles of the existing 138 kilovolt (kV) Refugee-Groves Road and Shannon-Astor transmission lines in Franklin County, Ohio (Project). The Project will include approximately 3-5 miles of new greenfield line to connect the Groves Road Substation to the Shannon Substation, depending on the route selected.

{¶ 4} On September 22, 2021, AEP filed a motion requesting a waiver of the requirement of Ohio Adm.Code 4906-3-03(B) that it hold an in-person public information meeting (PIM). By Entry dated October 5, 2021, the attorney examiner denied that motion, requiring AEP to hold an in-person PIM and noting that they may also host a virtual meeting per the alternative plan outlined in its memorandum of September 22, 2021.

{¶ 5} On December 15, 2021, AEP held a PIM (open house forums) to discuss the project with interested persons and landowners. Thereafter, AEP conducted a further PIM (virtual open house forum website), using virtual technology due to the COVID-19 emergency that existed at that time.

{¶ 6} On November 30, 2021, and December 6, 2021, AEP submitted proof of its compliance and revised proof of its compliance, respectively, with the requirement that it hold a PIM and notify residents of the Project.

{¶ 7} On December 10, 2021, AEP filed proof of its compliance as to filing notice in a newspaper of general circulation within the project area, pursuant to Ohio Adm.Code 4906-3-03(B)(1).

{¶ 8} On March 8, 2022, AEP filed its application in this proceeding. AEP states that the proposed Project will enhance the reliability of the transmission grid in Franklin County. Specifically, the Project will directly improve electric service for around 42,000 customers served by the transmission line in the area and provide additional capacity for economic development and load growth in the area. (Application at 2-1, 3-4.)

{¶ 9} Pursuant to Ohio Adm.Code 4906-3-06, within 60 days after receipt of an application for a major utility facility, the Chairman of the Board shall notify an applicant of the acceptance or rejection of the application as complete. By letter filed May 6, 2022, the Board notified AEP that its application was sufficiently complete to permit Staff to commence its review and investigation of the application. The letter directed AEP to serve appropriate government officials and public agencies with copies of the complete, certified application and provide proof of service with the Board. Further, the letter directed AEP, pursuant to R.C. 4906.06(F) and Ohio Adm.Code 4906-3-12, to submit the application fee.

{¶ 10} On July 12, 2022, AEP filed its Notice of Proof of Compliance certifying service of its accepted and complete application, in accordance with the requirements in Ohio

Adm.Code 4906-3-07. On July 14, 2022, AEP submitted correspondence informing the Board of its payment of the application fee, pursuant to Ohio Adm.Code 4906-3-12.

{¶ 11} On August 9, 2022, AEP filed an invoice proving its payment of the application fee as an attachment to its correspondence of July 14, 2022. Therefore, the effective date of the application shall be August 5, 2022.

{¶ 12} R.C. 4906.07(A) provides that, upon receipt of an application complying with R.C. 4906.06, the Board must promptly fix a date for public hearing not less than 60 days nor more than 90 days after such receipt, and shall conclude the proceeding as expeditiously as practicable.

{¶ 13} Accordingly, the administrative law judge (ALJ) finds that a local public hearing in this matter shall be held on October 18, 2022, at 6:00 p.m., at Ohio History Connection, 800 East 17th Ave., Columbus, Ohio 43211. The adjudicatory hearing shall commence on November 16, 2022, at 10:00 a.m., in Hearing Room 11-D, at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793. The parties should register at the lobby desk and then proceed to the 11th floor in order to participate in the hearing.

{¶ 14} Additionally, the ALJ finds that petitions to intervene in these proceedings will be accepted by the Board up to 30 days following service of the notice required by Ohio Adm.Code 4906-3-09.

{¶ 15} AEP shall issue public notices of the application and hearings, in accordance with Ohio Adm.Code 4906-3-09. As required by Ohio Adm.Code 4906-3-09, AEP shall include a statement in the notices that the public hearing in this case shall consist of two parts:

- (a) A local public hearing, pursuant to R.C. 4906.08(C), where the Board shall accept written or oral testimony from any person on October

18, 2022, at 6:00 p.m., at Ohio History Connection, 800 East 17th Ave., Columbus, Ohio 43211.

- (b) An adjudicatory hearing commencing on November 16, 2022, at 10:00 a.m., at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Hearing Room 11-D, Columbus, Ohio 43215-3793.

{¶ 16} Further, regarding the initial notice required under Ohio Adm.Code 4906-3-09, AEP shall include the following statement:

Petitions to intervene in the adjudicatory hearing will be accepted by the Board up to 30 days following service of the notice required by Ohio Adm.Code 4906-3-09. However, the Board strongly encourages interested persons who wish to intervene in the adjudicatory hearing to file their petitions as soon as possible. Petitions should be addressed to: Docketing Division, the Ohio Power Siting Board, 180 East Broad Street, Columbus, Ohio 43215-3793, and cite the above listed case number.

{¶ 17} Ohio Adm.Code 4906-2-09 provides that the ALJ shall regulate the course of the hearing, including, requiring that expert or factual testimony to be offered at Board proceedings be reduced to writing and filed with the Board, according to a schedule established by the ALJ. Accordingly, the ALJ finds that the following procedural schedule and process shall be implemented:

- (a) Pursuant to Ohio Adm.Code 4906-3-06(C), Staff shall file its report of investigation on or before October 3, 2022.
- (b) On or before October 25, 2022, each party shall file a list of issues citing specific concerns about which they may be interested in

pursuing cross-examination of witnesses at the adjudicatory hearing.

- (c) All expert and factual testimony to be offered by AEP shall be filed by November 4, 2022.
- (d) All expert and factual testimony to be offered by intervenors and Staff shall be filed by November 10, 2022.
- (e) Any stipulation entered into by the parties shall be filed on November 15, 2022, along with associated testimony supporting the stipulation.

{¶ 18} The parties are strongly encouraged to arrange for electronic service of testimony and other pleadings among themselves. If electronic service is agreed to, the parties are also directed to provide an electronic copy to the ALJ assigned to the case.

{¶ 19} It is, therefore,

{¶ 20} ORDERED, That the effective date of the application be August 5, 2022, and the hearings in this matter be scheduled at the times and places designated in Paragraph 12. It is, further,

{¶ 21} ORDERED, That notices of the application and hearings be issued by AEP in accordance with Paragraphs 14 and 15. It is, further,

{¶ 22} ORDERED, That the parties observe the filing deadlines set forth in Paragraph 16. It is, further,

{¶ 23} ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

THE OHIO POWER SITING BOARD

/s/Jesse M. Davis

By: Jesse M. Davis
Administrative Law Judge

GAP/mef

**This foregoing document was electronically filed with the Public Utilities
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Case No(s). 21-0199-EL-BTX

Summary: Administrative Law Judge Entry setting the effective date of the application as August 5, 2022 and requiring notices of the application and hearings be issued by applicant; and setting the procedural schedule, including: Staff report due October 3, 2022; local public hearing at Ohio History Connection on October 18, 2022; list of issues due October 25, 2022; expert and factual testimony of applicant due November 4, 2022; expert and factual testimony of others due November 10, 2022; any stipulation due November 15, 2022; and an adjudicatory hearing set for November 16, 2022 at the Commission offices in Hearing Room 11-D electronically filed by Ms. Mary E. Fischer on behalf of Jesse M. Davis, Administrative Law Judge, Ohio Power Siting Board