

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

In the Matter of the Construction Notice Application of)
AEP Ohio Transmission Company, Inc. for the)
Lima--Fort Wayne 138 kV Tie Lines to the Gomer) Case No. 22-0564-EL-BNR
Substation 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 September 8, 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 September 8, 2022, which is the recommended automatic approval date.

Sincerely,



Theresa White
Executive Director
Ohio Power Siting Board

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 22-0564-EL-BNR
Project Name: Construction Notice for the Lima-Ft. Wayne 138 kV Transmission Tie Lines to the Gomer Substation Project
Project Location: Allen County
Applicant: AEP Ohio Transmission Company, Inc.
Application Filing Date: June 9, 2022
Filing Type: Construction Notice
Inspection Date: August 10, 2022
Report Date: September 1, 2022
Recommended Automatic Approval Date: September 8, 2022
Applicant's Waiver Requests: None
Staff Assigned: J. Stottsberry, T. Crawford

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) has proposed to segment the to-be-rebuilt Lima-Fort Wayne 138 kilovolt (kV) transmission line to form two 138 kV lines going into and exiting the proposed, non-jurisdictional Gomer Substation (construction in progress). One would be approximately 400 feet to the north and connecting to the North Delphos-Sterling 138 kV circuit, and the other would be approximately 540 feet to the east and connecting to the same circuit. The North Delphos 138 kV circuit would be looped in and out of the Gomer Station using the two extensions, and these extensions would terminate at the station through the use of automated motorized air-break switches. In Case No. 22-0154-EL-BLN, the Applicant proposed and was approved by the Board to rebuild and upgrade the existing conductor to a higher capacity conductor and to replace the existing steel lattice towers with steel monopoles.

The Applicant claims there is a need to install two new segments of 138 kV to the new Gomer Station creating an in-and-out transmission loop. The project is also needed as the existing Jones City 34/12 kV Substation cannot be expanded to serve the increased load in the area and the Jones City transformer is presently loaded to 82 percent of its capacity. The Jones City station is presently served by the Kalida-Rockhill 34 kV circuit which was built in the 1920s with wood monopoles and #1 copper conductor. The project would allow the Kalida-Rockhill 34 kV circuit to be retired.

Upgrades and modifications to the transmission system are part of PJM Interconnection, LLC's (PJM) Regional Transmission Expansion Planning (RTEP) process.¹ The need and solution were presented and reviewed with stakeholders at the April 16, 2020 and the December 18, 2020 PJM Subregional RTEP (SRRTEP) Western meeting.² The PJM number assigned for this project is supplemental project number s2442, and its progress can be tracked on PJM's website. 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).

The Applicant states that the project was identified in the Company's 2022 Long-Term Forecast Report to the Public Utilities Commission of Ohio, filed in Case No. 22-0501-EL-FOR.³

The Applicant proposes to begin construction in September 2022 and expects to place the project in-service in November 2022. The capital cost estimate of the line extension is approximately \$1,130,000 using a Class 4 estimate.⁴

Nature of Impacts

Land Use

This project would be in Sugarcreek Township in Allen County. The current land use of the project area is agricultural. The Applicant contacted the Allen County Auditor's Office in April 2022 where it was confirmed the project would not be located on any Agricultural District Lands. The project has no places of worship or airports identified within 1,000 feet of the project alignment. There are no residences identified within 100 feet of the project alignment.

Cultural Resources

The Applicant's cultural resources consultant performed a Phase I archeological investigation and a History/Architecture investigation for the tie line project. No archaeological sites were identified within 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 that this project would not affect archaeological or historic properties, and that no additional cultural resources studies are needed. Staff agrees with these findings.

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 their system impacts.

PJM's RTEP identifies transmission system additions and improvements needed to keep electricity flowing to the millions of customers throughout PJM's region. See PJM Regional Transmission Expansion Plan, <https://www.pjm.com/library/reports-notice/rtep-documents.aspx>, (Accessed July 26, 2022)

2. The Subregional RTEP Committee (SRRTEP) review and provide input on subregional RTEP projects and provide recommendations to the Transmission Expansion Advisory Committee (TEAC) concerning regional RTEP projects. See PJM Submission of Supplemental Projects for Inclusion in the Local Plan, <https://www.pjm.com/-/media/committees-groups/committees/srrtep-w/postings/2021/aep-local-plan-submission-of-the-supplemental-projects-for-2021-rtep.aspx> (Accessed July 26, 2022)

3. AEP Ohio Power Company, inc. "Long-Term Forecast Report", Public Utilities Commission of Ohio Case No. 22-0501-EL-FOR, April 12, 2022, Form FE-T10, page 195.

4. The Applicant indicates the costs of the project are projected to be transmission plant and included in the Applicant's FERC formula rate (Attachment H-20 to the PJM Open Access Transmission Tariff), and would be allocated to all customers in the AEP Zone.

*Surface Waters*⁵

The Applicant's consultant completed a wetland and stream delineation study of the 13.8-acre survey area, in December 2021. The Application indicates: "The survey of the Project area did not identify any aquatic resources. As such, the Project will not disturb any wetland or streams and no further coordination is required regarding disturbance to waters of the U.S."⁶

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 to minimize erosion and sediment to project surface waters during storm events.

A portion of this project does overlap with a FEMA designated 100-year floodplain. Only the overhead line from the northern segment of the project would cross the floodplain. The Applicant states the following: "There will not be any structures, access road, or work pads within the floodplain associated with this CN Application. The aerial line will cross the floodplain but will have no impacts to the floodplain."⁷

*Threatened and Endangered Species*⁸

The Applicant requested environmental review of the project from the Ohio Department of Natural Resources (ODNR) and the U.S. Fish and Wildlife Service (USFWS) in November, 2021. This

5. 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; 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>).

6. Application at page 7.

7. Applicant's response to Staff's July 18, 2022 data request.

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

project is within range of eight state listed threatened or endangered species. Impacts to these species are not anticipated due to a lack of tree clearing and a lack of impacts to suitable habitat. Additionally, the Applicant states the following: “According to USFWS, due to the Project location, type, and size, USFWS did not anticipate adverse effects to federally endangered, threatened, or proposed species or proposed or designated critical habitat.”⁹

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 September 8, 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) 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.
- (3) Prior to the commencement of construction activities in areas that require permits or authorizations by federal, state, or local 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 prior to construction. Any permit violation received by the Applicant shall be provided on the case docket within seven days of receipt.

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>).

9. Application at page 6.

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

9/1/2022 9:39:13 AM

in

Case No(s). 22-0564-EL-BNR

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