

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Letter of Notification Application** )  
**of American Transmission Systems, Inc for the Leroy** ) **Case No. 22-0747-EL-BLN**  
**Center-Mayfield Transmission Line Partial** )  
**Reconductoring 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 October 12, 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 October 12, 2022, which is the recommended automatic approval date.

Sincerely,



Theresa White  
Executive Director  
Ohio Power Siting Board

## OPSB STAFF REPORT OF INVESTIGATION

**Case Number:** 22-0747-EL-BLN  
**Project Name:** Leroy Center-Mayfield Partial Reconductoring Project  
**Project Location:** Lake and Geauga Counties  
**Applicant:** American Transmission Systems, Inc.  
**Application Filing Date:** August 23, 2022  
**Filing Type:** Expedited (50 day) Letter of Notification  
**Report Date:** October 5, 2022  
**Recommended Automatic Approval Date:** October 12, 2022  
**Applicant's Waiver Requests:** None  
**Staff Assigned:** J. Stottsberry, T. Crawford, J. Patmon, A. DeLong

### 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), proposes to reconductor approximately 8.4 miles of the existing 19.3-mile-long double circuit Leroy Center-Mayfield 138 kilovolt (kV) transmission line between Leroy Center and the Pawnee tap. Q1 and Q2 are the designations of the two circuits. The new, larger capacity conductor 336.4 kcmil 26/7 ACSS (529 amps rating) would be used to replace an existing, but aging and limited capacity 4/0 AWG 7 strand copper conductor (357 amps rating). No structures would be replaced as part of this project, but the mitigation process would require some reinforcement of existing structures including bracing at existing cross-arms.

The project is needed to avoid a planning criteria violation under high loading. Specifically, there would be a thermal violation on the Leroy Center-Pawnee line for N-1-1 or N-2 contingency in the event of the loss of the Juniper-Northfield and the Nash-Painesville 138 kV transmission lines.<sup>1</sup> Such planning criteria would exceed the summer emergency rating of the transmission line.

The Applicant also claims the project is needed to replace conductor hardware such as the cold end attachment plates on both circuits of the Leroy Center-Mayfield transmission line, which were installed in the 1940s. In response to a data request, the Applicant provided photographs

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1. The N-1-1 contingency is a single fault or loss of a single component, followed by system adjustments or recovery attempts, followed by a second fault or loss of a second component. The N-2 contingency is the simultaneous occurrence of two faults or the loss of two components.

which illustrate the wear at the mounting holes holding the insulator string to the cross-arm structure. Continued wear of the originally circular holes results in ovalization, a decrease of material supporting the insulators, increased stress in the mounting hardware or attachment plate, and greater probability of failure.

Upgrades to the transmission system are part of the PJM Regional Transmission Planning Process.<sup>2</sup> The Applicant first submitted the statement of need for the Q1 rebuild to the PJM Subregional Regional Transmission Expansion Plan (SRRTEP) Committee – Western meeting on November 14, 2019 and submitted the solution on December 12, 2019. The project was assigned the baseline project ID number b3152.<sup>3</sup> Baseline upgrades include projects planned for reliability, operational performance, FERC Form No. 715 criteria, economic planning, and public policy planning (State Agreement Approach).<sup>4</sup> The Applicant submitted the statement of need for the Q2 rebuild to the PJM SRRTEP-W Committee on August 16, 2021 and submitted the solution on July 22, 2022. PJM has not yet assigned either a baseline or supplemental number for this portion of the project. 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. Supplemental project drivers or needs are “supplemental” to those Operating Agreement specified criteria.<sup>5</sup> Transmission Owners plan supplemental projects in accordance with the Open Access Transmission Tariff, Attachment M-3 Process. Projects planned through the Attachment M-3 Process include those that expand or enhance the transmission system, such as addressing facilities or assets near, or at the end of, their useful life.

The project was included in the Applicant’s 2022 Long-Term Forecast Report, PUCO Form FE3--T9, page 71, which may be accessed through the Public Utilities Commission of Ohio Docketing Information System in case number 22-0504-EL-FOR.<sup>6</sup>

The Applicant expects construction of the project to begin October 15, 2022 with an in-service date expected by June 1, 2023. The capital cost of the rebuild project would be approximately \$10,353,500.<sup>7</sup>

## **Nature of Impacts**

### *Land Use*

This project would be located in Leroy and Concord townships in Lake County, and Hambden and Chardon townships in Geauga County. The primary land uses along the line are agricultural and

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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/teac/2021/20210810/20210810-item-09-reliability-analysis-update.ashx> (Accessed August 30, 2022).

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

5. Ibid.

6. <https://dis.puc.state.oh.us/CaseRecord.aspx?CaseNo=22-0504&x=0&y=0> (Accessed September 2, 2022).

7. The Applicant indicates that the cost of the rebuild project is a Class 3 estimate, and the project costs would be the responsibility of ATSI as the asset owner. The cost would be projected to be transmission plant, and pursuant to the PJM Open Access Transmission Tariff, would be recovered in the Applicant’s FERC formula rate (Attachment H-21), and allocated to the ATSI Zone.

residential and to a lesser extent, commercial and industrial land uses. The Applicant states there would be no significant impacts to land use on account of this project involving reconductoring an existing transmission line with no groundbreaking. The Applicant states that there are no Agricultural District Land parcels within the project area.

### *Cultural Resources*

The Applicant's review of the Ohio Historic Preservation Office Online Mapping System found no known archaeological resources within a half mile of the project's area of potential disturbance. Within a half-mile of the project's area of potential disturbance, there was one National Register of Historic Places listed structure, three Ohio Historic Inventory (OHI) listed structural resources, and two Ohio Genealogical Society cemeteries. The nearest OHI structural resource was approximately a quarter mile (1,320 feet) away from the project's area of potential disturbance. This project is only reconductoring an existing transmission line, so it would have no new indirect visual impacts to historical structures. As this project does not involve groundbreaking activities and none of the cultural resources would be crossed by the project, Staff agrees this project would not adversely affect cultural resources.

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

The Applicant's consultant, Jacob's Engineering Group, Inc., conducted a wetland and stream delineation of the project area in August through November 2021. Fifty-six wetlands totaling 45.87 acres were delineated within the environmental study area, including 38 Category 1 wetlands and 18 Category 2 wetlands.<sup>9</sup> Temporary construction matting would impact 0.67 acre of wetland area. No permanent wetland impacts are anticipated.

Eighteen streams were identified within the environmental study area, totaling 5,579 linear feet. The identified streams include two ephemeral streams, ten intermittent streams, and six perennial streams. Six ponds were also identified, totaling 4.77 acres. All streams would be crossed above the ordinary high-water mark to avoid impacts and no in-water work is proposed for the project.

The Applicant indicated it would file a Notice of Intent with the Ohio Environmental Protection Agency (Ohio EPA) for authorization of construction storm water discharge under National Pollutant Discharge Elimination System General Permit for Discharges of Storm Water Associated

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8. 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> ).

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.

with Construction Activity OHC000005. The Applicant would also submit a Storm Water Pollution Prevention Plan to the Geauga and Lake County Soil and Water Conservation Districts.

The project crosses a Federal Emergency Management Agency 100-year floodplain, however no permit is expected to be necessary as the area would not be impacted by any part of the project construction.

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

The Applicant submitted coordination letters with both the Ohio Department of Natural Resources (ODNR) and the U.S. Fish and Wildlife Service (USFWS). The responses indicated that the project area is within range and within the vicinity of records for the state endangered and federally threatened northern long-eared bat (*Myotis septentrionalis*) and the state endangered little brown bat (*Myotis lucifugus*). The project is also within range of the state and federal endangered Indiana bat (*Myotis sodalis*) and the state endangered tricolored bat (*Perimyotis subflavus*). Tree clearing is not anticipated and no hibernaculum were found within a 0.25 mile radius of the project area, therefore no impacts to these species are expected.

The project is within range of the least bittern (*Ixobrychus exilis*), a state threatened bird. Impacts to inland marshes and dense emergent wetlands should be avoided during the nesting period of May 1 to July 31.

The project is within range of the northern harrier (*Circus cyaneus*), a state endangered bird. Impacts to large marshes and grasslands should be avoided during the nesting period of May 15 to August 1.

The project is within range of the trumpeter swan (*Cygnus buccinator*), a state threatened bird. Impacts to large marshes, lakes, or shallow water wetlands should be avoided during the nesting period of April 15 to June 15.

The project is within range of the upland sandpiper (*Bartramia longicauda*), a state endangered bird. Impacts to dry grasslands, including native grasslands, seeded grasslands, hayfields, and grazed and un-grazed pastures, should be avoided during the nesting period of April 15 to July 31.

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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/gov/odnr/discover-and-learn/safety-conservation/about-ODNR/wildlife/state-listed-species>).

The project is also within range of several threatened or endangered mussel, fish, reptile, and amphibian species as well as the sandhill crane (*Grus canadensis*). Due to lack of suitable habitat and no proposed in-water work, no impacts to these species are anticipated.

The winged cudweed (*Pseudognaphalium macounii*), a state endangered plant species has been previously found within the project footprint. The project area was surveyed for this plant species and was not observed.

Several threatened and endangered plants and animal species of interest and concern were also identified in the Natural Heritage Database within one mile of the project area, however, the ODNR did not identify any anticipated impacts for these species.

## **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 October 12, 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 from the permitting agency shall be provided on the case docket within seven days of receipt.
- (4) 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 allow a different course of action. If coordination with these agencies allows tree clearing between April 1 and September 30, the Applicant shall docket proof of completed coordination on the case docket prior to clearing trees.
- (5) Construction in least bittern preferred nesting habitat types shall be avoided during the species' nesting period of May 1 through July 31. If present, mapping of these habitat areas shall be provided to the construction contractor along with instructions to avoid these areas during the restricted dates, unless coordination with the ODNR allows a

different course of action. If coordination with ODNR allows construction in least bittern preferred nesting habitat types between May 1 and July 31, the Applicant shall docket proof of completed coordination on the case docket prior to such construction.

- (6) Construction in northern harrier preferred nesting habitat types shall be avoided during the species' nesting period of May 15 through August 1. If present, mapping of these habitat areas shall be provided to the construction contractor along with instructions to avoid these areas during the restricted dates, unless coordination with the ODNR allows a different course of action. If coordination with ODNR allows construction in northern harrier preferred nesting habitat types between May 15 and August 1, the Applicant shall docket proof of completed coordination on the case docket prior to such construction.
- (7) Construction in trumpeter swan preferred nesting habitat types shall be avoided during the species' nesting period of April 15 through June 15. If present, mapping of these habitat areas shall be provided to the construction contractor along with instructions to avoid these areas during the restricted dates, unless coordination with the ODNR allows a different course of action. If coordination with ODNR allows construction in trumpeter swan preferred nesting habitat types between April 15 and June 15, the Applicant shall docket proof of completed coordination on the case docket prior to such construction.
- (8) Construction in upland sandpiper preferred nesting habitat types shall be avoided during the species' nesting period of April 15 through July 31. If present, mapping of these habitat areas shall be provided to the construction contractor along with instructions to avoid these areas during the restricted dates, unless coordination with the ODNR allows a different course of action. If coordination with ODNR allows construction in upland sandpiper preferred nesting habitat types between April 15 and July 31, the Applicant shall docket proof of completed coordination on the case docket prior to such construction.
- (9) The Applicant shall install highly visible fencing between the project's area of disturbance and adjacent wetlands prior to construction in order to prevent construction vehicles from inadvertently entering the wetland areas.
- (10) Within five business days of PJM assigning a supplemental project number for circuit Q2, the Applicant shall file that PJM number to the public docket for this case.

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

**10/5/2022 1:46:29 PM**

**in**

**Case No(s). 22-0747-EL-BLN**

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