

BEFORE THE POWER SITING BOARD OF THE STATE OF OHIO

**In the Matter of the Expedited Construction Notice)
Application of AEP Ohio Transmission Company for) Case No. 22-0641-EL-BNR
the Nottingham Solar 138 kV 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 4906-6.

Staff recommends the application for automatic approval October 14, 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 14, 2022, which is the recommended automatic approval date.

Sincerely,

Merna White

Theresa White
Executive Director
Ohio Power Siting Board

OPSB STAFF REPORT OF INVESTIGATION

Case Number: 22-0641-EL-BNR
Project Name: Nottingham Solar 138 kV Project
Project Location: Harrison County
Applicant: AEP Ohio Transmission Company
Application Filing Date: September 23, 2022
Filing Type: Expedited Construction Notice
Inspection Date: October 3, 2022
Report Date: October 7, 2022
Recommended Automatic Approval Date: October 14, 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

AEP Ohio Transmission Company, Inc. (Applicant) has proposed to build a connection from the Nottingham Solar Facility, to the existing Nottingham 138 kilovolt (kV) Station.¹ The connection would be approximately 220 feet in length, utilizing conductor 795 kcmil 26/7 ACSR, and would involve the installation of a single steel monopole on a concrete pier foundation. This size conductor would be capable of carrying 217 megawatts (MW), and the maximum output of the Nottingham Solar Facility should not exceed 100 MW.

The project is needed to connect the Nottingham Solar Facility to the bulk electric system interconnection through the 138 kV Nottingham Station. The project would allow the Applicant to meet its obligation to provide connection to the PJM queue ID AE2-290. It will also allow the Applicant to meet its revenue metering requirements for generation interconnection customers.

Upgrades and modifications to the transmission system are part of PJM Interconnection, LLC's (PJM) Regional Transmission Expansion Planning (RTEP) process.² In response to a data request,

1. The Ohio Power Siting Board (Board) approved a certificate for the Nottingham Solar Facility in Case No. 21-0270-EL-BGN on August 18, 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 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 September 28, 2022).

the Applicant stated that the facilities for which approval is requested of OPSB are not facilities reviewed by PJM on its M-3 process.³ Transmission Owners plan supplemental projects in accordance with the Open Access Transmission Tariff, Attachment M-3 Process. It also stated that PJM's information about the project is believed to be limited to the information related to the Nottingham Solar Facility's interconnection process. The need and solution would not be submitted to any meetings which consider RTEPs.

The Applicant states that the project was identified in the Company's Long-Term Forecast Report to the Public Utilities Commission of Ohio, filed in Case No. 22-1501-EL-FOR.⁴

The Applicant proposes to begin construction in December 2022 and expects to place the project in-service in May 2023. The capital cost estimate of the line extension is approximately \$310,000 using a Class 4 estimate and would be fully recovered through reimbursement by the Nottingham Solar Facility.

Nature of Impacts

Land Use

The proposed project would occur entirely within the Applicant's existing easements in Athens Township, Harrison County within the Nottingham Solar Facility area. The surrounding land use is made up of reclaimed mining land. No temporary easements would be required from adjacent property owners for access roads or laydown areas. The proposed project is not located within the limits of an agricultural district or land being utilized for agricultural purposes.

Cultural Resources

The Applicant's review of the Ohio Historic Preservation Office (OHPO) Online Mapping System found no known archaeological resources in the area where the Applicant plans ground disturbance. There were no National Register of Historic Places (NRHP) listed structures within a half mile of the area of disturbance. OHPO responded with concurrence that this project would have no effect on properties listed or eligible for listing in the NRHP. The OHPO concluded no further coordination would be required unless there are changes to the project or archeological remains are discovered, in which case, the Applicant shall contact the OHPO. Staff agrees with these findings.

*Surface Waters*⁵

No streams, wetlands, or ponds were identified within the project area. This project does not overlap with any Federal Emergency Management Agency 100-year floodplain.

3. The PJM M-3 Process generally encapsulates: (1) asset management projects, (2) supplemental projects, and (3) other transmission expansions or enhancements not needed to comply with PJM reliability, operational performance, FERC Form No. 715 criteria, economic planning, and public policy planning.

4. AEP Ohio Transmission Company, Inc. "Long-term Forecast Report", Public Utilities Commission of Ohio Case No. 22-1501-EL-FOR, April 12, 2022, Form FE-T10, page 99.

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:

*Threatened and Endangered Species*⁶

The project is within range of the federal and state endangered Indiana bat (*Myotis sodalis*), the federal threatened and state endangered northern long-eared bat (*Myotis septentrionalis*), the state endangered little brown bat (*Myotis lucifugus*), and the state endangered tricolored bat (*Perimyotis subflavus*). Records for the northern long-eared bat, the little brown bat, and the Indiana bat were found within the vicinity of the project area. No winter hibernacula were observed within 0.25 mile of the project area. The Applicant states no tree clearing would be required for this project. No impacts are anticipated for these species.

This project is within range of four other state listed species. Due to lack of suitable habitat, and the type of work proposed, 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 October 14, 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.

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. 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>).

- (2) 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, 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) At least 30 days prior to the commencement of construction, the Applicant shall file in this docket a copy of the Federal Aviation Administration (FAA) Determination of No Hazard letters and/or the FAA temporary construction permit, where applicable, for the electric transmission line towers and any construction cranes.
- (4) In the event archeological resources are discovered during construction, operation, or maintenance of the facility, the Applicant shall contact Staff and the Ohio Historic Preservation Office.

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

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in

Case No(s). 22-0641-EL-BNR

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